

THE LIFE
OF
ELIZA SOWERS.

Eliza Sowers, the beautiful, innocent and unfortunate victim of a fatal passion, was born in Bucks county, in the State of Pennsylvania, in the year of our Lord 1817. Her parents though poor were respectable, and she gave an early promise of being the pride and ornament of her family. Her early life was not marked by any incidents of an extraordinary nature, and we therefore pass over the period of her infancy and adolescence, until she appears in the richness, pride and glory of womanhood. About the time at which her melancholy history commences we find her engaged in the humble occupation of a factory girl.

In the paper mill of Mr. Eckstein—situated in the pleasant village of Manayunk, and on the delicious banks of the Schuylkill, was Eliza Sowers employed. She a part of the time lived with her mother, and a few months prior to her decease in the family of Mr. Nixon, superintendant of Mr. Eckstein's paper mill.

During the year 1837 Eliza became acquainted with a young man named Charles Cornman, who resided somewhere in the vicinity of Norristown, and who, as afterward appeared, became enamored and commenced a series of attentions to her which resulted in a declaration of love and a final engagement to be married, which marriage, however, as after circumstances will show, was never consummated.

In the commencement and throughout the year 1838, it was remarked that her disposition heretofore naturally open and confiding underwent a change. Grief appeared to take possession of her soul, the gay dreams of life vanished from her sight—the society of her friends appeared to be painful—employment brought her no relief—the days seemed to her to pass gloomily and her nights were spent in sorrow and in tears—Eliza was pregnant. The dreadfulness of her situation became to her every day more and more apparent, and she felt herself a miserable desolate outcast. Her former companions would scoff at her, and her mother, brothers and sisters would spurn her. She felt that the finger of public derision would be pointed at her, and in the anguish of her soul she exclaimed, "What shall I do to save myself from this accumulation of evil?" The horrid thought of abortion suggested itself to her mind, which was afterwards carried into effect.

Who the author of this deed was, we leave the reader to judge. Suffice it to say that after taking various medicines and coming to Philadelphia to place herself under the hands of a physician, she departed this life about half past 2 o'clock in the afternoon of Saturday the 13th day of October 1838.

The particulars relating to the condition of this young woman during her illness—the circumstances of her disinterment after burial—the post mortem examination and all the other facts of this deeply exciting and interesting case will be found in the details of the trial. In closing this imperfect narrative, we cannot refrain from giving vent to our sympathies, and we leave the tear of compassion involuntarily fall over the memory of the unfortunate, deluded and still pure and innocent—Eliza Sowers.

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No. 11

January 2, 1839.

The counsel for the defendants moved the Court that the Commonwealth should elect which Courts in the indictment they would proceed to trial upon—alluding that the second Court being for murder by poison given under the guise of medicine was inconsistent with the three other Courts, which laid the murder as committed in different ways by the use of an instrument.

After argument the Court refuse the application, stating that death by different means might be laid in the same indictment, and gave as an instance where a man had stabbed another, and then set fire to the house and burned the body up, and it was doubtful by which means the death was produced, the murder might be laid or committed by either mode in the same indictment, so as to meet the evidence in the case whatever it might be.

The Defendants were then severally arraigned and the indictment read. Before the pleas were put in, David Paul Brown, Esqr. for defendant, moved that the array be quashed, on the ground that the return of the sworn had not been signed or sworn to by the Sheriff.

After examination of the precept and rearraignment of the counsel, Judge King stated that the 29th Section of the Act of Assembly of 14th April 1834, Strand's Reg. 566, directed, upon precept issued by the Judges of the Court of Oyer and Terminer, the Clerk of the said Court "to issue according to the direction of such order, to the Sheriff and County Commissioners of the proper Courts, a writ, or writs, commanding the said Sheriff and County Commissioners to empanel, and the said Sheriff to summon a Grand Jury, a Petit Jury, or both, to enquire," &c., &c.—that a return had been made by the County Commissioners, but it had not been signed by the Sheriff, it was therefore imperfect, and the Court made the following order.

It appears to the Court that the Sheriff had not signed the return of the drawing of Jurors for the present Court of Oyer and Terminer, or endorsed a return to the revine directing the drawing or summoning of the said Jurors. It is ordered by the Court, that the said return be quashed. On motion of the Attorney General, the Court directed the Sheriff and County Commissioners to make return according to law, and the exigences of said writs to them directed. Whereupon the return was made and plead according to the order of the Court.

The counsel for the defendants then moved to quash the indictment on the ground that the Grand Jury had not been drawn, sworn and returned according to law.

The motion was overruled by the Court on the ground that the bill had been duly found by the Grand Jury and it was now too late to take the objection.

The defendants then severally pleaded Not Guilty.

The Counsel for the defendants again moved the Court to quash the indictment, which was refused by the Court for the reason above stated.

The Counsel for the defendants then moved the Court for separate trials.

In support of their motion, they mentioned that Nixon's wife might be an impatient witness for the defendant Chauncey, and that the case came within the *exception* mentioned in the case of the Commonwealth *vs. Manson*—decided in the Court of Oyer and Terminer for the County of Philadelphia, where the Court refused different trials, which were asked for on the ground that the wife of one of the defendants might be a material witness for one of the other defendants. In that case the Court decided that as a conspiracy to assault was laid, the wife of one conspirator could not be a witness for a co-conspirator and refused the application. The Court refused the application, stating that the present case came directly within the decision of the case of the Commonwealth *vs. Manson*, and not within the exception—that the wife of an accupeer could not be a witness in favor of the principal, for if the principal were acquitted the accupeer must be acquitted also.

January 4th, 1839. On motion of the Attorney General the Court ordered that the Sheriff be directed to complete this return to the Precept and venue facias for summon; the Grand Jury, by making an endorsement of the execution thereof upon said writs, by signing said return.

Return was then made according to the order of the Court:

Whereupon the counsel for the defendant filed the

protest:

THE TRIAL.

The case was opened between 5 and 6 o'clock this afternoon, by the Attorney General REED, in a lucid, able, but brief and comprehensive manner; after which, the Court adjourned until to-morrow (Tuesday) morning, at 10 o'clock.

Tuesday Morning, Jan. 8, 1839,—Court convened at 10 o'clock, A. M.

Susan Sowers, sworn.—The Attorney General commenced the prosecution by the examination of Susan Sowers, the first witness called on behalf of the Commonwealth.

I am sister of the deceased, who, at the time she died, was between 21 and 22 years of age, and resided in Manayunk, at home, at my mothers. She had been there about 2 or 3 weeks; previous to that, she resided at Mr. Nixon's. She went to Nixon's about the middle of May; previous to that she lived at Mr. Buddy's—she had lived there about 2 weeks; prior to that she worked at Exstein's Paper Mill. When she worked there, Nixon was the superintendent of it. I think she left home on the 3d of October, on a Wednesday afternoon. I saw her last on that day about 2 o'clock—she was then well and hearty. She helped Mrs. Nixon to do the work when residing there. When she left home, she took 2 dresses, 2 petticoats, a pair of corsets, 2 chemise, 3 pair of stockings, a merino handkerchief and a merino shawl, together with 20 dollars of her own money, 5 dollars that my sister Catharine sent with her, and a dollar which Mrs. Buddy sent with her. She said she was going to the city to see Miss Lafferty and Mrs. Drake's family. I first heard of her death on the 13th of October, on a Saturday night; between the time she left home and the time she died, we had heard nothing of her. At that time I was not at home, but at Mr. Rambo's. On Saturday night, about candle light, Mr. Nixon came to tell me of her death. He came in and said: Susan! I want to see you. I said: What do you want me for, Nixon? He told me to come and see. When we got out of the house he didn't speak for about 3 minutes; Susan! says he, there is sad news for you; says I, what in the world is it, Nixon? He said Eliza was dead. Oh! says I, Nixon, it can't be; says I, where is she? says he, she is in town. He said the doctor came to his house and told him. He said nothing further for about 2 or 3 minutes, when he said: Eliza has not been regular for some time—he said he expected that was the cause of her death; says I, that can't be the cause of her death;—I said she was so once (irregular.) I went up to the house of my mothers and he made me acquainted with Dr. Chauncey—my mother was not at home that evening, she was in the country. Mr. Nixon said I was Eliza's sister, and he (the doctor) got up and shook hands with me. He said he came to inform me of my sister's death. Oh! said I, Doctor! is it true that she is dead? says he, yes, she is dead. I asked him where she was; he said, at my house. I asked if any thing was done, is she laid out? he said, No, he had left her as she died. He told me that Eliza came to his house the day before (Friday) she died—he said she was on her way home. When she came to his house, he said he advised her to stay until the next morning, she was not very well. He said that night, at 7 o'clock, she was taken with severe pain in her bowels; he said he was with her all that night and

never left her until the next day at 4 o'clock, when she died;—says I, what was the cause of her death? he said, inflammation of the bowels. Nixon was in the room all the time of this conversation. Chauncey said she had been to see her friends in in town and had just called in. Oh says I, doctor, if I could only have got to see her before she died. He said if it had not been for the directions of Mr. Nixon he would not have known where to come. I asked him what she said before she died? he said, she said she wanted to see her mother, brothers and sisters. Dr. C. said I had lost a fine and beautiful sister, and then began to cry; he said he had done all in his power to raise her; he said he called in a first rate doctor in the city (Dr. Armstrong) for fear there would be some hard thoughts. He said, to look at her, as she lay in bed, no person would believe she was dead. I told him I thought she had bought a great many things—he said she hadn't bought anything. I told him she had taken a great deal of money with her; he said he had the money and there was only about 15 dollars, and that there was some in silver—that was all that the doctor said at that time, he then went out, I believe, with Mr. Nixon. The body of my sister was brought home between 12 and 1 o'clock on Saturday night, by Nixon and Buddy, at my request. I first saw my sister's body the next morning, it then had on a pair of white stockings and a chemise which were her own—she was wrapped up in a course sheet. There were other clothes, viz: 2 dresses, a pair of stockings, a chemise which was not her own, and a petticoat not her own; there was no money brought with her—there was blood on the stockings. On Monday morning, the 15th of October, at 10 o'clock, she was buried. There was nothing peculiar in my sister's appearance—she was buried in the Baptist burying-ground, on the Ridge. I was at the funeral. I saw Nixon again on Sunday morning; he came to our house; he asked me if there were any arrangements made and when I was going to have buried. I said yes, I had talked to Mr. Buddy about it—nothing more at that time passed between me and Nixon. I told him I was going to have her buried on Monday, at 10 o'clock. I saw Nixon again at the funeral—saw him again on Monday evening about candle light; he came alone to our house; he said: Susan! come out, I won't to speak to you. "Well," says he, "I don't know what to think of this." What do you think? he asked. I said, I don't know what to think about it; he says, what does your mother think about it? I replied, mother goes on like crazy about it; then, says he, there has been reports about this already. "What about, Nixon?" says I; says he, about me giving in to fetch my sister out, it is said I made myself too busy in bringing her out and my recommending her to Dr. Chauncey's. Nixon, said I, Dr. C. told me, that if it had not been for those directions you gave him, he would not have known where to come to; says he, bless your soul I did not give him any directions, I only recommended her there. He said he was not going to lay under this talk, and said he was going to have something to show for it, he would have a certificate and told me that we had better get one too. He told me to call my brother out of doors; says I, Isaac, Mr. Nixon wants to know whether you are satisfied; my brother said: satisfied about what? I said, about the reports; he said, certainly I am satisfied. I don't recollect what he said to my brother any more only he said he thought a great deal of Eliza, in fact, more so than of any girl he had ever seen; he said he had no sister, if he had he could not have thought more of them than he did of Eliza. He asked me when I was going in town; I told him on Tuesday; he asked whether we could not wait until Wednesday. Nixon said he was going to

get a certificate and he would go with us; he said he could not go on Tuesday, because he had to be in his Mill; he said he had the wheelwrights to work there—we agreed to wait until Wednesday. On this interview, (Monday) Mr. Nixon gave me ten dollars, in two notes; he said that was all Dr. Chauncey had given to him, it was not in a bag. I saw Mr. Nixon next on Wednesday morning; he came to our house pretty early in the morning; there was no one up but me and my mother; he said he came to tell us he could not come to town; he said he had been sick that night; he told me I had better go, but he could not go with me. I told him I was going for her clothes and I was going to town to find out where she had been, whether she had been to her friends or no. He told me I had better go and find out all I could, but, says he, I guess you'll not get to find out much. He told me where Dr. Chauncey lived, that is between 9th and 10th streets in Filbert, No. 50. I came in town that same morning, with Mrs. Marshall, in the stage. I left Manayunk at 10 o'clock; when we got to town we went to Dr. Chauncey's, he was not in. Mrs. Chauncey and the daughter (grown up) were there; I told her (Mrs. C.) I was Eliza's sister; I told her I came for her clothes—she gave me the bonnet and shawl and said that was all that was there,—in about half an hour the Dr. came in. Mr. Chauncey said I was Eliza's sister; he shook hands with me; he said he had just been down to her (Eliza's) boarding-house to see about the clothes; he said they were not dry; he then went up stairs; he came down and said he had a certificate for me to shew how my sister came to her death, and all about it; he sat down and read it to me—when he read it, he stated in it that she died at 2 o'clock. Why, says I, Doctor you told me she died at 4 o'clock that afternoon; says he, I could not have told you that; yes, says I, you did; well, says he, if I did I did not know what I was about in such a case as that. When he was done reading it he pretended to wipe his eyes; he gave me the paper and asked me if my brothers were coming in? I said, yes. After I got the certificate we went away—Mrs. Marshall and myself then separated. I went up to meet my brothers, who were coming in the cars. I met them about a square and a half from 9th and Filbert streets. I turned back with them and went back to Dr. Chauncey's again—I guess it was about ten minutes since I left Dr. Chauncey's—he was not in; we went in and waited for him and in about a half an hour he came in. I had given my brother the certificate in Ninth street. My brother told me to put the certificate in the basket till we got to the house and then he would read it. When the Dr. came in I told him there were my brothers. My brother asked him whether he could not take him down to the other doctor's, (in Manayunk he told me that the other doctor was named Armstrong) he said he could, and they went out together and I remained there till they came back. On this second visit to Dr. Chauncey's I got a chemise, a petticoat and a cap—Mrs. Chauncey gave them to me. After my brothers (Isaac and John) came back, (I guess they had been gone about an hour) Isaac asked him whether he could not take us down to her boarding-house;—we went down. The house we went in was in an alley, it was arched over the gate and very dark; the house was on the left hand side as we went in on the upper side. When we got to the house I saw some woman whom I then didn't know—I know her now—it was Mrs. Kingsley;—Dr. Chauncey said I was Eliza's sister. I asked her how she was held while she was there? she said, she was very bad for a couple of days with the bowel complaint—Dr. Chauncey was within hearing. I asked her about her clothes—she said, there was nothing there but the bed-

gown and that was at the washerwoman's: previous to that, I think when we first went in, she asked me how Eliza was? I replied, she is dead; says she, it can't be possible, is she, doctor? says he, yes. Why, says she, doctor! you did not tell me she was dead; says he, I know I did not. She told me she walked out of the house, on Saturday morning, with Dr. Chauncey—Chauncey said when she got out a piece she got very sick: he said he had to get a settee and have her taken up to his house. She told me she had put all her clothes, excepting the bed-gown, in the basket. I told her there were a great many other clothes missing and I hadn't them—Dr. Chauncey said they may be at my house. I told him it was very funny indeed that they acted so funny about the clothes. From there we went up to Dr. Chauncey's with him; when we got there the daughter met me with the clothes in the entry; they were a cape and collar, two pocket handkerchiefs, and a merino handkerchief; we remained there about ten minutes, and then I went to buy a stove; Mr. Chauncey went with us down a piece; we went out of town that evening in the cars; I did not see Chauncey from that time until I saw him in the Mayor's office; I had no reason to suspect or believe that my sister was *enciente* before she left home.

Cross examined by D. P. Brown.—Nixon lives about a quarter of a mile from my mother's, near the paper mill: when she worked there, she boarded home; my mother resided just above the car office in Manayunk; Nixon lived by the paper mill, about a quarter of a mile from my mother's, maybe not that far; the name of the lady to whom I was on a visit, is Rambo; just across the way, over in a field; Mr. Nixon is a married man; I have known him about 5 or 6 years; that I've known him by sight; he had not visited at my mother's, that I know of; to my knowledge he had never been there before the death of my sister; I had known intimately about 3 or 4 years; I had worked in the factory of which he superintendent; I have worked there about 5 or 6 years; he has been superintendent of it better than 3 years; he is not now that I know of; I work there still; he has rented a mill of his own better than a year ago; after Nixon went to his mill, Eckstein had another boy at his mill: he ceased to be employed there before my sister's death. I stated at my former examination that he was superintendent of that mill then, and that I worked there then; he was there then. I believe he did superintend the work. I thought he just came in to see the mill. I saw him there; my sister was employed in Eckstein's factory about 4 years; I never saw any improper familiarity during those 3 or 4 years between my sister and Mr. Nixon. I never saw any thing between them that I know of manifesting attachment. I visited often at Mr. Nixon's at dinner time. I never, when thus visiting, saw or heard anything showing improper affection; my sister was engaged to be married; she didn't say when; she could have got married any time; she was engaged about a year ago; there was no time fixed for the wedding; she was engaged to Mr. Charles Corman; that engagement continued up to her death; it was broken off; she would not keep his company about 3 or 4 or 2 or 3 months prior to her death. I don't know why. I asked her: she said if you only knew what I know, you would not ask me to stay with him; that night that Corman was there, she would not come in the room. I went out and told her he was there; she said she was not going in the room that night. I told her if she didn't go in, I wouldn't go in. I asked her her reason for slighting him; she said she could not tell me. I asked her if he did not behave himself properly; she said he was more of a gentleman than to misbehave himself to her; that was the last night she staid with him. I got her into the room that night. I asked her the rea-

son, "is it because you heard people say he had another girl?" she said no, she had another reason and a good reason, and maybe I'd get to find it out some day; she said that same night, "if you knew what I know," &c.; that night she went into the room; she after that refused to go into the room when Corman was there. I guess it was about 4 weeks before she left home. Saturday she refused, and on Sunkap she was in bed, and would not get up when Corman came; she slighted him three or four months before that; after the Sunday night, he did not come again until she was a corpse; he was sick; before that Sunday night he was in the habit of coming regularly to our house. I mean by slighting not keeping his company, I inquired her reason for so doing in the first instance; she said she could not tell me. I sat up with them that Saturday night; there was no other company in the same room. Corman left there maybe about 12 o'clock. I think that they separated on good terms; it was friendly. I remained in the room all the time; the fourth person was Mr. Mills. I heard her mention Nixon's name several times, only heard her say Mr. Nixon; she left Mr. Nixon's house about three weeks before she went to town; she was at Nixon's about a month when she began to slight him. Corman did not visit her at Nixon's; she came down home to see him. Upon a former examination, I never mentioned that my sister said that Corman was too much of a gentleman to treat her improperly; she said she was going to stay a week or so when she left for town. Corman lived at Norristown. I never knew that she went to see him; she went there once last summer with Miss Lafferty to see her (Lafferty's) aunt; she had not then seen Corman. I believe she went once last summer to Norristown with my brother Isaac; she didn't get out of the cars that time; when she went with Miss Lafferty she had been at Nixon's; before this slight I spoke of, Corman used to come, but sometimes stay away for two or three weeks; he never stayed all night that I know of. I was not in the room all the time. I know she was irregular prior to her coming to this city; she told me she took cold when she was at Nixon's; she continued so about three months, and was so once before she went to town; she was so about a week or two before she went to town. I know it because I saw it; it was a little discharge; that was the only time for three months that I know of; it was about two weeks, more or less, that she was so before leaving my mother's house. Dr. Connelly was giving her stuff.

Court convened at 3 o'clock, P. M.

Cross-examination of Susan Sowers continued.—She had been taking medicine 6 or 7 weeks I guess; she was taking medicine about 2 weeks on account of being irregular; it might have been longer than two weeks before she had the discharge; she was irregular when she went to Nixon's. I cannot tell when she last had a discharge before that, she was not home; she did not complain about not being irregular; she did not tell me what she took the medicine for. I did not know of her being irregular some time before that. I have not said on a former occasion that I knew she was not unwell; when the Dr. (Conray) came, he bled her, he gave her magnesia, and something else, which looked like wine, and was in a broth; it was sharp to the taste; it was colored; she took a table-spoonful in the morning and a half a wine-glass ful of new milk; she took this all the time she was home those 3 weeks; she got 2 bottles of it from Conray; got nothing else as I know of; she was taking some kind of tea. I don't believe it was pennyroyal tea; she boiled it up and sweetened it with half a pund of loaf sugar; it was some kind of root. I did not hear the name of savin mentioned, don't know where she got it. I asked what she was taking these things for; she said for

being irregular; she last took some of these medicines the second week before she came to Philadelphia; she was taking it till she was done with it; don't know whether she stopped when she had the discharge; her appearance was altered, it was enlarged; it continued to be so until she left home. I don't know whether she was larger than she had been. I observed this, her discharge in the bed room, I slept with my sister. I could see it upon her clothes. I only speak of what I saw. I spoke to her and asked her if she had got to rights again; she said no nor she didn't think she ever would; I think I spoke about her being irregular to Margaret Bursely, when she was at home; I guess about 2 or 3 weeks before she left home; didn't mention it to my mother, she knew it, my mother told me so while Eliza was at home; she gave her no medicine; Eliza didn't mention to any one that I know of; never heard her complain of being irregular in consequence of bathing in the Schuylkill; Miss Bursely lived up at Eckstein's paper mill then; she now lives at Green lane; she went to Nixon's about the middle of May, and staid there till she had her feet scalded; came home and remained about two weeks, and then went back and staid about three or four weeks; I was acquainted with Mrs. Nixon; she was there employed at housework, and helped Mrs. Nixon; Mr. Nixon told me about it in the mill—he said he wanted her; he asked what she was doing, and I said she was at work at Buddy's; she left Buddy's about two weeks after that; she was one week home after she left Buddy's; I heard her say she was going to buy a couple of dresses with the money she took to town for sister Catharine and a black silk apron for Mrs. Buddy; no stove; Mrs. Fafferty lived at Mr. Drake's, in this city; I believe it was in the lower part of the town; I never went to see Miss Fafferty after Eliza's death; she called to see me; I never was at Drake's house; I never made inquiries at any house to ascertain if my sister had been there, during the two weeks she had been gone. I don't know that I made any inquiries after her; Miss Fafferty was acquainted with Corman; before she went to Mrs. Buddy's she was one week in the country, in Bucks county, at my grandmother's; she went up with my cousin, Mr. Tyson: I believe Corman's mother lives over Schuylkill, near the Inclined Plane; I heard no conversation on the subject of Corman's going away; I believe Corman was at his mother's from the Sunday I spoke of to the time of my sister's death; she knew where he was—my brother told her where he was, and that he was sick; on the afternoon Nixon called me out of Rambo's, Mrs. Barnes and her daughter were there; I had been there about twenty minutes; I don't know that I told them what Mr. Nixon told me; I did not return to the house, but went home; Nixon said Chauncey came to his house to tell him of her death; Nixon did not say that Chauncey would not have known our house if he had not taken him there; did not say how Chauncey came there. Nixon said Eliza has not been regular, and I guess that was cause of her death; I replied that she had been so once; I referred to the time before she went to town; I did not know of her being irregular, except at that time; when I was introduced to Dr. Chauncey, my sister-in-law Mary Sowers, Mrs. Marshall, my sister Catharine and Mr. Buddy were present; they did not continue in the room so long as the conversation lasted. I can't tell whether Nixon was there all the time with them or not; he only said he'd go in to fetch her out; I told him I wanted to go in to fetch her out, and he said he'd go, he was not officious, from the first to the last after Eliza's death, I don't know that Nixon done any thing but what I requested him to do; before this rumor got up,

I expressed my gratitude to him for his kindness and attention ; he used last winter to make Miss Rambo and Eliza kiss him before they left the mill. there was no impression of impropriety upon my mind for that. Dr. Chauncey gave the name of the physician he had called in the night of her death ; I don't know whether my sister Catharine was then in the room or not. Mr. Buddy and Nixon were not there as I know of. I don't know whether Nixon went out whilst Dr. Chauncey was talking to me or not. I did not mention Dr. Armstrong's name on a prior examination. Dr. Rush's name was not mentioned. when Mr. Nixon gave me \$10 on Saturday evening, my brother Isaac was present ; no one else. it was given to me at last. I believe he made no charge for the expenses he had borne. Mr. Buddy made the arrangements for the funeral. Nixon was at it. came to our house on Monday night. it was after the candles were lit when I first saw Dr. Chauncey. can't say what time the cars usually come to Manayunk in the evening. I saw Nixon on Wednesday morning when I come to town. he looked pale. I had not been to the mill the day before. I was at home. the mill was not stopped. Mr. Nixon told me they were repairing his mill. when I came to town, Mrs. Marshall was with me ; she staid with me till I went and met my brother. I had no conversation with Mrs. Chauncey. I did not understand that my sister had been to Chauncey's more than once. when he read the certificate, he pretended to wipe his eyes. put his handkerchief to his eyes. my brother asked him to take him down to Dr. Armstrong. he read Armstrong's name on the certificate. Mr. Nixon told me we had better get a certificate. I believe Mrs. Marshall did say something to Dr. Chauncey. don't recollect what she said. she said she heard she was in the family way. he said no. if it had been so he would have known it, I don't know that Mrs. Marshall said she knew my sister had been in the family way for one month.

Isaac James Sowers, sworn.—I am the brother of the deceased. at the time she left home I was in the Valley, about six miles from Norristown. I am a house carpenter. first heard of her death on the 14th October. I reached home about 3 o'clock, (Sunday.) she was buried on Monday, between 12 and 1 o'clock. the evening, on the day Eliza was buried, a gentleman came to the door. I found it to be Nixon. I invited him in, and to take a seat, which he did. he said this is very unpleasant weather. I told him it was. he sat about two minutes, gets up and opens the door, and says to my sister Susan, Susan I wish to speak to you, and asked her to come out side of the door. after she went out she closed the door. they were outside about five minutes, I should suppose. my sister opens the door and calls me out. she said, Mr. Nixon wants to know if you're satisfied. says I, satisfied about what. she said, Mr. Nixon had told her that the people had raised reports about him, by making himself so busy to go in and bring Eliza out, and to buy her a coffin. I says, "satisfied ? to be sure." I said, Mr. Nixon I suppose you done it as a kindness. he says, exactly so. he said, I believe old Phoebe Barnes is one of the worst women in creation ; I have been considering about this thing all day. I thought once I would leave it die away with the poor girl's dead body, who is now dead and gone ; he says, it will injure my character ; he says, I must have a certificate from Dr. Chauncey, and when people find I have got one, they will be afraid to talk about it, and if they do, and I find from whom it came, I will prosecute them ; my sister Susan says, I have told several persons what Dr. Chauncey told me ; Dr. Chauncey told me, if it had not been for the directions Mr. Nixon gave

Eliza, he would not have known where to have found us; Mr. Nixon says, bless your soul, I never gave Eliza no directions or a written recommendation; it is true, I gave her a verbal recommendation. I gave my brother a verbal recommendation to Chauncey, who had a disease on his head, and Dr. Chauncey gave him medicine which cured him in a week's time; he said, Eliza, before she came to town, asked where Chauncey lived, Nixon said, why Eliza you can't miss it, if you're the least acquainted in the city; he said, he told her most every body knew where he lived; he said, Eliza the cars stop at the corner of Ninth and Green, and when you get out of the car, go down Ninth till you get to Filbert, and Dr. Chauncey lives in Filbert street, No. 50; he said, I always thought a great deal of Eliza, and in fact more so than of any girl I ever knew. I said, Mr. Nixon, every body who knew her thought well of her, and I thought very much of her myself. Nixon said, he often heard Eliza speak of him. I asked Nixon if he had paid for the coffin; he said he had not, though he would, if I wished him to do it; he said, here is some money Dr. Chauncey gave me to give to you; (he gave me \$10;) and Dr. Chauncey has kept the rest for medicine and his trouble. I said, Mr. Nixon what are you going to charge for your trouble; he said, bless your dear soul, if that was all the trouble I had, I should be a happy man. I said, Mr. Nixon, I would not trouble myself about it, for all will come right after awhile; he asked me if I was going to the city to see Dr. Chauncey; he asked me if I was going to get a certificate; I told him I was; he asked me when I was going in; I said the next morning; he says, can't you put it off a day longer, I want to go with you to Dr. Chauncey's, I want to get a certificate too; I told him if he wished to go with me, I would put it off a day longer; he said, he thought one day would'nt make much difference to me; I said not; he said he had the mill-wrights to work at his mill; he said, I was the best part of this day engaged at the mill, and was very sorry he could not be more attentive to Eliza's funeral.

At the time Mr. Nixon first spoke about getting a certificate, he said "Mr. Sowers, you had better get one too. it's a common thing for the relatives to get one, to show where the deceased died, and what was her disease. on Wednesday morning, I and my brother John, between 10 and 12 o'clock, were standing on the railroad, near the Manayunk car office; Mr. Nixon came to us and asked us if we were going to the city to see Dr. Chauncey. I said I was. he asked me if I was going to get a certificate. I said I was- he says "are you going up home (to the valley) to-morrow?" I said I was not going up till the following Sunday; he says "Oh!" he asked me if I was coming out to Manayunk that evening. I said I was. he said "Oh, I will call and see you. I told him to do so. he asked me if I knew where Chauncey lived, he said it was No. 50 Filbert street; I told him I could find it. he said a person feels very unpleasant after taking medicine. I said yes. he said I have the millwrights to work at my mill, and I must go up there. he then bid us good morning, and left us. I had then been told by my sister Susan that Nixon was not going to town with us. myself and my brother John then went to Philadelphia; after we left the car, we walked down Ninth street, and met Susan coming up. she says, I've been to Dr. Chauncey's. she handed me a certificate. I rehandd it to her, and told her to keep it till we got to the house. when we came to the house, Mrs. Chauncey came to the door and invited us in. after we took seats, Mr. Chauncey left the room, I asked my sister Susan for the certificate, I read it, Chauncey was not in the room, this is the paper, (looking at one,) we waited about half an hour, when the Doctor came in, he took a seat, and told Susan that he had just been to Eliza's boarding house, to see about her clothes; he said the woman told him they were at the washerwoman's, and were not dry; Dr. Chauncey tells me, that has been an unfortunate circumstance. he says, you have lost a young and beautiful sister, and which makes it appear harder, for Eliza to have died among strangers, although she was well taken care of; he said he thought there was no danger, till Friday evening at 7 o'clock, when she was taken very severe, he would like to have sent for us, though he was obliged to be with her constantly, and could not go out to get a person to inform us of her danger, he said he done all to save her. says I, Doctor, what

was Eliza's disease, he said inflammation of the bowels and stomach. I says, Doctor, I understand you had other physicians called in, and some of the best ones in the city, he said he had one, Dr. Armstrong, and he said he had got him to write a piece in the certificate, which I have given to your sister Susan, so that there should be no hard thoughts. I told the Doctor I had the certificate, he asked me if I could read it, said yes, he asked me if I could make it out. I said I could. he says, then you have seen his name in it. I said I had seen Dr. Armstrong's name in it. I says Doctor, I suppose you're willing to swear to what you've written in it. he said he was. I asked him where Armstrong lived. he says, down town. I asked him in what street. I think he said Fifth street. I asked him what number, for I wished to see him. he said he would take me there. I asked him where Eliza had boarded, as I wished to go there; he said he would take me there. he gets up and asked me when I was going to leave the city. I said as soon as I could get my business settled. he said, I suppose that, but in what car. I told him I was going in the 4 o'clock car, if I could get my business settled. he said, that's what I want to know, to make arrangements. we will go to Dr. Armstrong's first. I suppose he will be setting at the convention. we will go there, and if it has adjourned, we will go to the Doctor's house. when we left Chauncey's house, and got into the street, he said Eliza was taken off very sudden, and I have made my charges as light as possible. I believe she had \$15 in notes, and \$2 and some cents in silver. I kept \$2 and some cents, and sent \$15 out.

I ssid, my dear sir, you did not send \$15 out. he said, I positively did. I said, Nixon gave me \$10, and said that was all you gave him. he said, I positively gave Nixon \$15 and two cents. I said, Doctor I shall look into this. he said it ought to be looked into. says I, Doctor, Eliza came to your house on Friday afternoon. he said, I had her brought to my house on Friday afternoon, was on her way home, and you advised her to stay over night, the weather been unfavorable. he said he did not tell her so. I said you must have told he so, or she would not have told me. he said, he did not. I said, Doctor there where more in the house who heard you say so. he says, in such a time a person hardly knows what he says. or what he said. I asked him what Eliza complained of when she came to his house. he says, a dizziness in her head. he said Eliza told him she had just arrived in the city, with the intention of visiting some of her friends, and that she did not like to go to her friends sick, and wished him to board her a few days, till she got better. he said, he told her he was not prepared to take a boarder, though he would get her a boarding-house, to which she seemed willing, that he looked for one, and got her one at a dollar per day. when he came back to where she was, he found she had been taken with a severe pain in her bowels. he said he gave her some anniseed coadial, which relieved her of her pain in a short time. he said, that he then took her to her boarding-house, which she seemed to be satisfied with. I said Doctor, it appears strange that Eliza should have left home well, walked five or six squares, and then complained of sickness. he said, it did not appear strange. he said it was a common thing for persons who came from the country to the city, often times the air affects them, and they're taken sudden. I said, I thought there was not much difference in the air in a distance of seven miles. he said there was. he said, there is another thing, persons riding in the cars, sometimes it does not agree with them. I said, it appears riding in the cars agreed with her, a young gentleman, living in Manayunk, came in the car in which she did, and Eliza was laughing and talking with him all the way in, and said she loved so much to ride in the cars, and at the time she left the car, he said she was perfectly well. Chauncey says, there is another and a very common thing, persons who come from the country to the city, oftentimes the water does not agree with them. I told him, I though Eliza could not have drank much water walking five or six squares. he says, she might have drank water sufficiently to have affected her. I asked him if he though she was pregnant. he said he did not, he never suspected such a thing. I told him that it was reported that she was, and that she had been sent into the city, and placed under his care for him to take a child from her, and that by his taking the child from her, he had caused her death—and that it was further reported, that a short time before she died, he had put her into a steam machine and was steaming her, and she begged him for mercy's sake to take her out or she'd die, and that a few moments after he took her out, she died. he said he never had one of those machines about his establishment. he said it was some of those busybodies in Manayunk. that he never suspected her to pregnant, and if she had a child taken from her, it was done before she came under his care. I said, Doctor, it appears strange that Eliza should have been sick 9 or 10 days here and you never send us word, and the distance only 7 miles. he said he did'nt think there was any danger, and that he thought she'd get well in a few days, till Friday evening, at 7 o'clock, when she was taken severe, and then he would like to have sent for us. I said, Doctor, it is reported that you've caused Eliza's death, and I am going to have the matter fully investigated, he said,

well, find out all you can. he said he thought I would'nt find out much. I said I would. when we came to the convention it had adjourned; from there we went to Armstrong's house; when we came into his house, we were invited into a sitting room, and Armstrong came from another room into the room in which we were; Chauncey says these are Eliza's brothers. Armstrong did not comprehend his meaning; he look at Chauncey, who said Doctor, you recollect the young girl who died under my care a few days ago—you know I had you called on, and got you to write a piece in the certificate. Armstrong says, oh yes, I recollect, Doctor, on Saturday morning. Chauncey said yes.

Chauncey says to Armstrong. Doctor, relate to the brothers what you know of Eliza, for he says he is going to have the matter fully investigated. Armstrong says, I was called on by Chauncey to pass my opinion upon his patient. I found her very bad indeed. Armstrong said Chauncey was very attentive to her and done all in his power, though he said, the best physicians can't save all. I've known Chauncey for a long time; and known him to be a very respectable man, and said it was seldom Chauncey lost a patient; he said persons taken with the disease Eliza had, seldom got over it; he then said to Chauncey, Doctor, this was rather uncommon case—mentioned different parts which had been effected, and went to describe how different the disease operated on those parts to one who was not taken so severe. Chauncey said it had been uncommon. Armstrong then related a similar case to me, which occurred in this city a few days ago. Chauncey said to me that was a stranger case than yours. I said not. I took the certificate from my pocket, and says to Armstrong are you willing to swear, to what you've written on this paper? he said he was. I said, Doctor, are you willing to swear, to the best of your belief, that Eliza was not pregnant? he said he was, and asked me if I had any suspicion. I said I never imagined such a thing. Armstrong says, is there much of a report! I said there was a considerable one, and it was over the whole of Manayunk; he says it is hard for people to raise such a report about Dr. Chauncey; he said, it is reported that Chauncey has caused her death by taking the child from her? I said it was; he says, tell me what the reports are. I told him the reports were that Eliza was pregnant, and that she was sent to Philadelphia and placed under Chauncey's hands for him to take a child from her, and by taking one from her he had caused her death—and that he placed her in a steam machine, which caused her death. Armstrong said if it was so, it was strange we did not know. Chauncey said it was. Armstrong said he did not believe the Doctor would undertake such a thing, and it was hard to raise such a report about him, and would be a serious case to undertake such a thing. Armstrong said Doctor, what would be the result in such a case if it be true? Chauncey said, he would be bound to pay a sum of \$50 \$60, and it would be paid to the State. Armstrong said, Doctor it is evident that Eliza was not pregnant; he made mention of some particular parts of Eliza's disease, and went to show how different the disease would have acted had she been pregnant. Chauncey then said it was evident she was not pregnant, or they would have discovered it. I then got up, and told the Doctor I would wish to go. Armstrong then got up, and said, what is reported about steaming?—he then took me into another room. I related it to him, and he said he was positive Chauncey never had such a machine; he said all Doctors had a machine box, although people were not shut up in it; he said Chauncey had a great practice, and said a similar case occurred a short time ago; when we came to the front door, I asked Armstrong when he was going to swear to what he had written on the certificate; he said he was engaged at the present time, and asked me if I'd come in the city in a short time again. I said not, and I wished it done before I went out of the city; he said well, call down about 7 o'clock, and we'll go to some Alderman's; we went to Chauncey's from there, and thence we started for Eliza's boarding house. I asked the doctor how far it was to the boarding house; he asked me, as we went along, if there was not one Nixon living in Manayunk, the proprietor of a paper factory. I said it was Nixon superintending Eckstein's paper mill; he said, on which side of the canal is his house? I said, my dear sir, don't ask me that, for you know as well where he lives as I do myself; he said, oh not Mr. Nixon, I was alluding to the paper mill; he said he had visited some families living near Mr. Nixon's, and never took notice of the mill. I said it stood only five or ten yards from Nixon's house. I said Doctor, Nixon was at your house yesterday, was he not? He said yes—then no, no, not yesterday, it was on Monday he was there—he said I recollect now, I like to have made a mistake: says I, Doctor, Mr. Nixon recommended Eliza to you; he said yes. I said, Doctor, did Nixon give Eliza a written recommendation? He said he saw none. I asked him what was his notion for bringing Eliza so far down town to board. I told him it would have been more convenient to him if it had been nearer to his house; he said he had been acquainted with this woman for some time, and she had often boarded patients for him; when we got to the house, a woman, Mrs. Kinsley, came down: she asked how Eliza was; he said she was dead; she said you don't tel

me so. Mrs. Kinsley says, why didn't you tell me of this sooner; he said he had'n't time; says I Doctor, this is very strange—you said you had been down here to see about Eliza's clothes, and that you was told they were at the washer-woman's and not dry. Susan asked her when Eliza was brought there; she said Wednesday week, by Dr. Chauncey. Susan asked her what she complained of; she said pressure on her stomach, and at one time had severe fits, but had went out once whilst there to visit her friends. Susan asked Mrs. Kinsley how she was taken away; she said in a car—, and then stopped; she then asked Chauncey how she was taken away; he said he and she walked away, but after going a piece, she got sick, and he had her carried on a settee by two colored men to his house; from Mrs. Kinsley, we went to Chauncey's; when we went from there, I said I would have Eliza taken up and examined by different physicians; he said I had better not. I said I would; he said, supposing you do have her taken up, and there's a child found, it would disgrace me. I said if there was one found, I would be willing to bear the disgrace; he said, suppose you have her taken up, and there's no child found, the busy bodies will say it has been taken from her. I said physicians could tell; he said they could not. I said they could tell now, and could tell 3 months from now; he said they could not; he said it would be a great expense to have her disinterred. I said I didn't care for the expense. I asked Chauncey when I should come to his house to have him to swear to the certificate. I agreed to meet him at half past five; did so; went to Armstrong's but met him on the road, and we went to Alderman Binn's. Armstrong was sworn first and went away. I requested Chauncey to write in the certificate that Eliza was not pregnant, and swear to it; he did so, and was sworn to it by Alderman Binns. [The certificate was then read aloud to the jury, by the Attorney General,] after I got the certificate sworn, we came up to the corner of Ninth and Filbert streets; the Doctor invited me up to his house. I thanked him, and said I'd go up to the carhouse; we went; he said now if this certificate is shown to those busy bodies in Manayunk, we might as well have been catching flies to-day; he asked me how old she was and if she had been keeping company with any young gentleman. I said yes, with a young man named Corman; he said do you think he has deceived her. I said I did not think so, and if she had been, she had been deceived by another person; he asked me if she had complained of any kind of disease. I said she complained of dyspepsia last winter, but was perfectly well through the summer; we bid the Doctor good night, and left him. I was at my sister's funeral; her body, at my request, was taken up on the Saturday following; the body was then examined Drs. Clark and Egbert. I was present at the disinterment; in consequence of that disinterment. I came to Philadelphia on the next Sunday, in the evening car, and on Monday morning I went to the Attorney General, and stated the case to him, and the matter has been in his hands ever since.

Cross-examined.—Warrants were issued against Drs. Chauncey and Armstrong and Mrs. Kinsley, on my oath, either on Tuesday or Wednesday; the warrants against Nixon was not issued on my oath. I don't know on whose. It had been about 9 months that I had not lived at home; my sister Eliza then lived at home. I suppose 8 or 9 weeks afterwards I returned; she then lived at Buddy's. I suppose in about 6 or 7 weeks I returned again, and she then lived at Mr. Nixon's. I first heard she lived there when I found her there; she had not visited me at any time. I had not seen her in Corman's company in those 9 months. I saw her at Norristown, and accompanied her there; she was residing at Nixon's at the time she made a visit to Mr. Fry's. I knew of Corman's being settled near Norristown; he was at that time. I did not know of my sister's engagement. I heard of it in my family; first heard of it about a year before she died, from my sister Susan. I had visited my mother about 2 weeks prior to Eliza's death. Eliza was home then; she then appeared to be in very good health; there was no doctor in attendance; none spoke of her having been ill. I didn't think she was larger than she had been before; she did not speak of leaving home. I was called on that Monday night by my sister Susan; my sister had been called out by Nixon before I went out; this was my first conversation with Nixon. I don't know whether he was at the funeral. I said, on a former examination, he was not at the burying ground. I have been examined, this makes the 4th or 5th time in this case; when Mr. Nixon came to the house on Monday, he stayed about 2 minutes in the house, spoke about 5 minutes to Susan, and a quarter of an hour to me; none were present but me and my sister Susan. I am perfectly satisfied he gave me the money, \$10. in two \$5 notes. I gave it to my sister Susan that same evening, cannot say when; she was there when I had the conversation with him about the money. I saw Nixon next on Wednesday, near the car office; he complained of being unwell, and looked rather pale. I went in the 12 o'clock car. I have repeated it several times to persons since I was examined in the Mayor's Office; my statements made to the Mayor are not the same I made here. I stated more here. I stated before the Mayor,

that I told Chauncey that I would have this investigated, and asked him if she was pregnant. I did not state before the Mayor that I threatened Chauncey to have the body of Eliza disinterred; and about Armstrong taking me into another room. I don't suppose that I there stated about Chauncey begging me not to have the body disinterred. I did not determine till Friday to have the body taken up, (two days after I saw Chauncey); no one advised me to have it taken up. Mr. Johns told me that Chaffman's body was taken. Mr. Sailor told me that rumors were afloat of my sister being pregnant; he told me it was over the whole of Manayunk; he told me so on Tuesday afternoon. Mr. Sailor lives a few miles this side of Pottsgrove; he was on a visit to Manayunk at the time. I heard my sister Susan speak about it on Wednesday when we were going to Philadelphia. I did not state to Chauncey that my only object to get the certificate was to save my sister's reputation; my object to get it was, to show if ever I'd have Eliza taken up, how they would operate together; my object in applying for the oath to the certificate was, that the writings would be valued at nothing by those in Manayunk, unless they were sworn to. I did not only get it for the satisfaction of those at Manayunk, but my own also; my object in getting that certificate was to satisfy myself, and the people at Manayunk. I can't say, positively, that I had another object. I exhibited it to one person. I think I did exhibit it to Buddy and Dr. Egbert. I was going to have her disinterred by Drs. Clark and Egbert, because they were better known to the people of Manayunk, and if Eliza was found with child, I was going to make these Doctors (Chauncey and Armstrong) more cautious how they write certificates, and swear to them, and have them fixed for it. Sailor told me about my sister's being put in a steambox. I did not mention this before the Mayor; my brother took no part in the conversation between me and Chauncey, when we spoke about going to Armstrong's; when at Armstrong's, we remained in the first room into which the entry led; his house is on the upper side (west, I suppose,) of Fifth street. I saw 3 or 4 gentlemen there while I was in the house, they came from the dining room into the room in which we were setting, and one man came in from the street. I spoke in my ordinary tone of voice to Armstrong; he answered my questions. I did not know of his being hard of hearing; did not speak in a lower tone than usual; when the gentleman came in nothing was said. I was there half an hour, perhaps a little longer; when I left there I suppose it was between 2 and 3 o'clock, or a little after 2. I left Chauncey, after being to Mrs. Kinsley's, about half past 3 o'clock; after leaving Dr. Chauncey, I went down to Third street and purchased a stove; it was not 1 o'clock when I arrived in town; my sister Susan told me about a gentleman coming to town with Eliza, his name is Nolton. I can't say whether I stated this before the Mayor or not. I did not mention all these matters before the Mayor, because I had not sufficient time to reflect upon them. I had full time to tell my story before the Mayor. I got no certificate from the physicians at Manayunk. I applied for none. I now reside at my mother's; came there one day before Christmas; my sister Susan now works in Eckstein's paper mill. I never objected to my sister Susan's continuing in that mill. I did not know that Nixon was the superintendent of that mill. I was told he was not, and would not be until this case was decided. I never showed this certificate to Nixon. I don't think I met Nixon after I had the certificate, until I saw him in the Mayor's Office. I had known him for about one year, I suppose. I never asked Nixon for an explanation with any thing connected with this affair. I showed the certificate to Buddy on Thursday, and to Dr. Egbert on Saturday. I did not show it to the members of my family; not to my mother. I saw Corman last with my sister Eliza, about the middle of August. I had heard of the marriage engagement of that time from my sister Susan. I don't think I stated, on a prior examination, that I knew nothing of the engagement until after August.

Re-cross-examined by the Attorney General.—The first suggestion for a certificate came from Mr. Nixon; that certificate has been out of my possession since the Monday I went to see the Attorney General; the warrants for Chauncey, Armstrong and Mrs. Kinsley, were issued before the warrant for Nixon, which was issued in consequence of other disclosures; this matter at first was concealed from my mother because I knew if she would get to hear of it, it would almost cause her death.

Wednesday, January 9th.

Court convened at 10 o'clock A. M.]

Mrs. Mary Sowers sworn.—I am the sister-in-law of the deceased's brother Daniel; I resided in October last at Mrs. Sowers, (my mother-in-law,) and do now; I was at home when Eliza left for the last time. I first learned of her intention to go to the city after Nixon had been there (home); Eliza was going to bake and asked me to kindle the fire for her, and I said I would; she was baking in the back-yard and I was going in the house and I says to her there's Mr. Nixon. I saw him first down on the Railroad at the car-office, when I spoke to Eliza he was in her mother's house; Eliza ran in and shut the middle door; it was as good as two hours before Eliza came out; but when Nixon went away, I can't tell; I was in the back yard. I live in the back part of the house, and my mother-in-law in the front;—

when she came out she said don't you think Mr. Nixon's a pretty man, and said I need not make any fire in the stove; says I what did Nixon want; says she, oh nothing, he was going to town and called in on an errand; said she, I believe I'll take my baking all down to the bakers and have it baked. I believe I'll go to town; says she don't you tell Susannah and Catharine when they come in, that Nixon had been there that day; and I said, you'll get lost Eliza if you go in alone; says she, no I'll not, there's a person to meet me there; said I who, said she never mind who; on the Monday week before the day Nixon called, Eliza intended to go to town; she then looked all day for somebody to come, who didn't come, and then after waiting all the morning, laid out to go in the last car and asked me if I would'n't help her to get her work done so that she could go in the five o'clock car; she asked me if I would go up stairs and help her, and I said I would; a knock was heard at the door and I came down and saw a man there who asked if Eliza was there; I went up stairs and told her; she asked what kind of dress he had on. I said a white hat and she said Oh Lord that's Nixon; she then went down stairs and was down about half an hour and then she came up; she sat down at the foot of the bed and looked very downhearted and said you need'n't help me I believe I'll not go to town; at the time she had her feet scalded she showed them to me about two weeks. I said aint you sorry you had them scalded; she said no, for leaving the mill has been the ruin of me; she left on Wednesday between two and three o'clock in the cars;—when she left home she was well and hearty. I was not examined before the Mayor. I was not very well at that time; that's the reason why I was not examined; my youngest child is between two and three months old; it was born about the time of this examination. I was not in the house at the present time when Chauncey first came in. I came in about 5 minutes after them; Catharine came into the yard to me, and said Mary, Lord, Eliza's dead. I went into the house, I heard him say she came to his house on Friday evening and walked there well and hearty, and he said she was on her road home, and she was taken bad at his house with a pain in her body and he insisted upon her staying there that night; he said she'd get cold if she went out, and she was taken worse and worse until 7 o'clock, when she was taken very bad, and he said he called on one of the first rate physicians at Philadelphia, for fear of hard thoughts; Dr. Armstrong and he were with her all that night, from 7 o'clock that night till between 3 and 4 o'clock on Saturday afternoon, when she died. Nixon was there that night he brought Chauncey there. Chauncey said he would'n't have known to what part of the city to come to find her people, but for Nixon's directions. Chauncey, in speaking of Friday, referred to the day before.

Cross-examined.—I am perfectly satisfied that Chauncey said he would not have known where to come, but for Nixon's direction; I did not understand that Nixon had given him the directions that night, but that he gave them to Eliza to give to Chauncey when she went to town; Chauncey had been to Nixon's before he came to Sower's; did not tell his reason for so doing. I can't tell when I first saw Chauncey, it was after candlelight; don't know how he came out. I am certain he said she died between 3 and 4 o'clock on Saturday afternoon. I am not certain whether he said 4 or between 3 and 4 o'clock; he said I am certain it was between 3 and 4. Susannah and Catharine were in the room while I was there; no one else but Mr. Chauncey, I am sure of that; no one else at any time while I was there; Nixon had gone out somewhere; Mr. Buddy was not there. I don't know where he was. Nixon was out before I came in. I did not see Nixon there, I saw him outside of the door. I guess Chauncey was there about 5 or 10 minutes before I came in, and I was there about three minutes when I opened the middle door and Chauncey came into my room. I call five or ten minutes a considerable time. I knew Susan was in the room, her sister told me. I did not see her myself till I went into the room. I don't know where Rambo's house is. I could'n't guess how long Chauncey was there after I went in. I don't know who went away with him. I didn't understand what time Eliza first came to his house before this Friday evening. I am certain he mentioned Armstrong's name. I have not talked this matter over since. I never saw the certificate; never heard its contents spoken of in the family; lived ever since in the family. I knew there was a certificate, heard them say so, heard Susannah say it.—I've lived in that house between two and three years; the house is not separated between the two families. I own two rooms in that house, and the other family occupy the rest; it was between nine and ten o'clock in the morning when Nixon was there, and it was between two and three when she went to town. I fix the hours, because after Nixon went away the ten o'clock car went down; the cars went away while Nixon was in the house. I could not see when Nixon went away. I allowed it to be two hours from the time Eliza went in till she came out; she had been in about one hour before the ten o'clock car went down; we usually dine at one; there was baking done that day, Eliza carried it to the baker's. I don't know whether Susannah went for the baking at dinner time, or in the evening; don't know when she took it, it was after Nixon was there; on weekdays they bake between eleven and twelve, and on Sunday between nine and ten; while she was in the room with Nixon, I did not call for her. I did not light the fire. I didn't speak to her about her staying so long. I could not say what time Nixon was there, it was not so late as eleven o'clock, it was not ten o'clock. I hadn't known Nixon more than three or four weeks. I had never spoken to him. I was going in first and saw him coming in the front door. I have lived with my mother-in-law between two and three years; he had never that I saw visited before that; the house stands on the hill, a little from the railroad; can't tell what one hundred feet is. I could not say whether it is once or twice the distance of this room. I cannot hear a person speak on the

on the railroad at my house; this knocking was on the Monday week preceding the Wednesday she went to town; when I then saw Nixon he was standing about middle way in the room; did not see him to know him; he was not dressed like the gentleman who came on Wednesday; he came after dinner, while before 5 o'clock; Eliza had not been sick that week, or at any time; I never thought her conduct improper in staying so long with Nixon knowing him to be married, until after Eliza's death; after Eliza's death, Mr. Nixon's attentions were kind and neighborly; on the Sunday after her death I first began to think strange about this, before the funeral; I never knew Eliza to complain of any thing but the headache, in those two or three years I lived there; I knew one little doctor (Conray) to bleed her for the headache, when she had her feet scalded; I knew of her having been irregular for a month or two before she left Manayunk; she never had been so but the one day during four or five months; this once was a week before she went to town; I saw it; I heard say she had not been so for four or five months before; I can't say whether a doctor was consulted on that account; she had some sort of roots which she made tea of; Eliza called them herbs, and which she said she took to make herself regular; I believe the last time she took it was about the middle of the week before she came to Philadelphia; don't know how long she had been in the habit of taking this stuff, only know of her making it twice; I saw the monthly discharge up stairs on her clothes when she got up in the morning; I did not speak to her about it; when she came down she spoke to me about it; don't know whether she had been up in the night; she made this stuff after we went to bed; there is none left in our house; she had a paper with the directions on it, but we cannot find it; the doctor (Conray) was there last when Eliza had her feet scalded; I guess it was between 3 and 4 weeks before she died for she went back to Nixon's and staid two weeks; don't know where she got these herbs, or whether she visited the doctor; she had not a great discharge; she told me this discharge did not continue; I know Mr. Corman; I knew nothing of her engagement to him, only what I heard her say; don't know what was between them, only towards the last she'd run up stairs and hide from him; I guess Corman was there two or three weeks before she went to town; I was not at the funeral; when he was on the railroad, she said there's Nixon, take a good look at him; she often bragged about his being so pretty; I don't mean the day he came to the house. It was the day after the little election: I don't know whether it was the 9 or 10 o'clock car, they were all going to town and he was getting on top of the car; when I would meet Nixon I would know him, but not to speak to him; when Eliza left she said she'd stay in town over Sunday, for she wanted to go to church once in town.

Dr. Wm. M. Egbert, sworn.—I am a practising physician in Manayunk; was present at the disinterment of Eliza Sowers; she was disinterred on Saturday, the 20th of October; proceeded to the disinterment, assisted by Dr. Jonathan Clark; Mr Isaac Sowers and Mr. Hull, formerly keeper of the Manayunk bridge, were present at the disinterment; I had a slight knowledge of her; had seen her at Nixon's; when attending his family; when the body was disinterred, we found, no decomposition, and perfectly healthy; we opened the cavity of the abdomen and examined its contents; found the uterus very much enlarged, thickened in its coats, and the greater part of the internal surface of the uterus exhibited a bluish black appearance similar to that of gangrene in the first stage of mortification; the mouth of the uterus was considerably dilated, and a slight laceration, as we thought, in the mouth of the uterus; the whole tract of the vagina, together with most of the internal organs of generation, exhibited an appearance similar to that of the internal surface of the uterus; there was a secretion of fluid, a serum in the cavity of the abdomen, and a deposition of flocculi in the

serum, similar to that which we expect to see from peritoneal inflammation; there was a kind of seminal deposit on the intestines, and on the peritoneum, the result of inflammation; we opened the stomach, and found it in quite a healthy condition, and, so far as we extended our examination of the intestinal canal, we found it likewise healthy; we made incisions into the left breast, out of which the milk flowed freely; the areola around the nipple was colored or had changed in its color, from the ordinary rose which characterises the impregnated state, to a dark brown, which indicates the pregnant state; on the anterior superior part of the fundus of the uterus there were plain marks of the attachment of the placenta; from the condition in which we found the uterus, we concluded that she had been pregnant; the Tuesday following the Saturday I have spoken of, Dr. Meigs, together with myself, made a second examination of the body, more extensive than that made before by Dr. Clark and myself; the result of the examination of the uterus and abdomen generally coincided with the former; on taking hold of the breast on that day we could draw out the milk and pump it in jets; we did not open the head—examined it by taxis, and believed there had been no disease in the head. In examining the lower extremities, we found a mark of blood on the heel, and a spot of blood on one of the stockings; we traced the intestinal tube, and found no marks of inflammation; from the general appearance, we inferred it to be healthy; from these examinations, I have no doubt that the woman was pregnant; there can be but one opinion on the matter; the peritoneal covering of the uterus was but slightly inflamed; post mortem examinations have proved that in many patients who die from peritoneal inflammation, there are no signs after death; from the appearance of the internal coat of the uterus, vagina and organs of generation, I believe there had been some undue manipulation by the hands or instrument; the fœtus had been delivered by apparent force—it is a common consequence that peritoneal inflammation would result from such force or any injury done to those parts; the period of gestation is about five months, or a little longer; I saw adequate cause of death from the appearance of the uterus, vagina, &c.; such appearances and results would be likely to follow from abortion by external mechanical violence; violent emmenagogues would produce some of the appearances; I don't think same appearances would follow from any chemical means; my reason is, because at that period of gestation, the presence of the fœtus would not produce the same appearance in the neck of the uterus; the wound looked more like an incision than a laceration; it might have been produced by a cutting instrument, although it might be from laceration; the size of the wound was about six inches long and four and a quarter wide; I extracted the uterus then, and have it now preserved in spirits; the womb unimpregnated, is two and a half inches long and one and a half inches wide at the fundus; I showed the uterus to Dr. Meigs, at the second examination; it had then undergone a change, and had become shorter and narrower; the coats were not any thinner, but changed from the flabby, loose appearance when it was first examined to that of a condensed and hardened appearance; a great portion of the black on the vagina and uterus had been taken off, and then in a situation more resembling the settling of blood in the part; shreds of the placenta were adherent to the fundus of the uterus; the spot of attachment was about one or one and a half inches in diameter, and over that space shreds of one eighth of an inch long; the stomach would have shown marks of irritation if abortion had been produced by chemical agents; quickening takes place from the 3d to the 4th month; sava is supposed to have a specific effect on the uterus.

Court convened at 3 o'clock, P. M.

Cross examined by D. P. Brown, Esq.—How does sava act? It has a greater or less effect upon the stomach, but in a less degree a specific effect on the

uterus; its action is on the general system first and secondarily upon the uterus; its action would be apparent on the stomach and intestinal tube taken inwardly; it acts on the kidney and urinary organs, (did not explain its mode of operandi;) in appearance there was a deposition of coagulated lymph; I knew of no physician who attended on Sowers's family before Eliza's death; I first heard of Eliza's death from an undertaker; her brother Isaac called at my house and told me he was Eliza's brother, and that his sister had died rather mysteriously in town; he came twice; Mr. Jones was with him on one occasion; my impression is that it is likely that he showed me the certificate, although I am not certain that he did show it to me; the Attorney General recalled it to my mind that he had shown me the certificate; I never saw a case of abortion from saving; I never dissected a patient who had taken saving; I have given saving occasionally in cases of rheumatism; I have no knowledge that can be relied on, on the operation of saving; I should suppose it possible to produce death; there are some cases on record where death might be produced and leave no traces behind; I think saving does not corrode the stomach, but engorges the vessels of that organ; it operates directly on the nervous coat of the stomach; so do all stimulants, specific having a particular action on the uterus; saving would show its effects on the intestines, particularly on the rectum; more on the rectum than the stomach; I examined the intestines externally; there might be death from poison, and yet no traces left in the external part of the intestinal canal; the reason we did not examine the lower part of the alimentary canal was because we found the stomach so healthy; our question was, pregnancy or not; I took up the uterus, and showing it to Dr. Clark said, "Here is the uterus," he said, "That can't be—it looks like an inflated bladder;" our second inquiry was, by what means abortion had been produced; our third inquiry was the cause of death, and to examine into what probable causes had induced death; we did not examine the head and brain; their appearance was healthy; we had a superficial examination of these organs, which was sufficient when we saw ample cause of death elsewhere; the patient died from peritoneal inflammation; I have been present at the post mortem examination of two or three pregnant women; mortification cannot take place after death; it commences in the most vulnerable part; mortification during life would more probably occur in the seat of the disease; mortification will more speedily take place after death in the part affected; there may be disease of the brain without external signs, after death; I have attended a case of abortion besides this; I know no reason why the placenta remaining in the womb should produce those appearances; I have known portions of the placenta retained for weeks or months without bad effect; I have known the whole of the placenta to be retained a week after birth; the depth of the laceration was from one eighth to a quarter of an inch, length from a quarter to half an inch.

Lacerations or incisions would produce inflammation; this is a rational consequence; I don't know whether the removal of a fetus of five months would produce laceration of the os uteri; I heard repeatedly of laceration being induced by a regular attempt at removing the placenta; milk, or something like it, may be found in the breasts of those who are not pregnant; inflammation of the stomach might induce peritonitis; there are no abortions from natural causes; the resumption of the menses in pregnancy, after a suspension of five months, would not denote abortion; there are exceptions to the general rule; danger is to be apprehended from a discharge; it is matter of no difficulty to arrest uterine hemorrhage; it is more dangerous in proportion to the advance of gestation; peritoneal inflammation might produce abortion.

Catharine Sowers, sworn.—I am sister of Eliza Sowers; I was at home the night intelligence of her death reached there; I was in our room at the time; nobody was with me; Mr. Nixon and Dr.

Chauncey came in; Mr. Nixon introduced Dr. Chauncey to me; Mr. Nixon asked me where my sister Susan was; I told him she went over to Mrs. Rambo's; he asked me whereabouts it was; I told him as near as I could as Mrs. Rambo had just come there; he asked Chauncey if he had better go and see my sister Susan, and Chauncey said, "Yes," and he went out and went over there; while he was gone, Chauncey sat a few moments and said he had some very sad news to tell me; why, said I, I hope it ain't for me; he said it was; he said he had come to inform me my sister was dead; said I, Doctor, what ailed her? what caused her death? He said inflammation at the bowels and fluttering at the heart; I told him we had been uneasy as she didn't come out the day she told us; he said Eliza had told him what day she was to be out; he told me Eliza came to his house on Wednesday afternoon, at 3 o'clock, with a large basket on her arm; she was on her way home; he said she called at his house, and he persuaded her not to go out that afternoon; he said it looked dismal, and she had better stay in, for fear she might take cold; she told him she would stay till the next morning; that about 7 o'clock that night she was taken so severe that he was obliged to stay with her all that night, and if it hadn't been for the directions Mr. Nixon gave her, (Eliza,) he (the Doctor) wouldn't have known where to find us; he said as soon as Eliza was dead, he was obliged to come out; that he went right away to Nixon's, and he brought him (Chauncey) down; he said she died on Saturday, at 2 o'clock; I believe that's all he said; Nixon and my sister Susan came back together; I then went out of the room; I had seen my sister between 1 and 2 o'clock on the day she left home, and appeared to be well and hearty; I and my sister Susan were employed in Eckstein's paper mill; I received \$2 33 per week; my sister received not quite \$3 when she worked night work; Eliza, when she worked there, told me Nixon gave her and Susan Rambo at the rate of \$4 per week; I knew my sister took some tea before she left home; I saw it; she said it was three powders, made out of herb roots; I saw some of it after she had made and strained it; there was something which looked like roots; this was on Saturday evening, after she came from Nixon's the last time, three or four weeks before she came to town; she told me she took it, because she was irregular; she was regular once after that; my sister did not say that this stuff made her sick; she was not sick at her stomach before; she was once sick at her stomach, when she came home and had scalded her feet; she took the root tea four or five weeks after scalding her feet.

Cross-examined.—When Susan and Nixon came in the room while Chauncey was there, I went out immediately after they came in; Nixon was gone about half an hour after my sister Susan to Rambo's; during that time no one was in the room but myself and Chauncey; I am perfectly certain that the Doctor told me Eliza had died at 2 o'clock; I did not return again into the room while Chauncey was there; I went into the next room; my sister-in-law and Mrs. Marshall were there; they continued with me until Dr. Chauncey had gone; Mr. Buddy was in the room with Chauncey and the others; no one else; Chauncey remained about half an hour after I left the room; Nixon went out with Chauncey, and then he came in again; the doors between the rooms were closed, but not latched—they were open a piece; I could not see persons from where I sat go in and out of the house; I know Nixon went out, because I heard him go out; I know, because I could distinguish Nixon from Chauncey by his voice; I did not hear what Nixon said when he returned, after going out with Chauncey; Buddy went out before them; I saw him go out; Chauncey said he went to Nixon's because he would not have known where to come to but for the directions Nixon gave Eliza; this took place before Susan came in; I heard no conversation between them, so as to remember it; I never saw Nixon pay Eliza; we never gave receipts for our wages; there were not different prices paid to the girls in the room in which

Eliza was; I was not in that room, Susan was Susan did not receive the same as Eliza; I knew a young man named Corman; he was last at our house five or six weeks before Eliza died; he attended the funeral; he visited the family about two or three weeks after the funeral; he did not visit us till after the disinterment; he was engaged to my sister about a year ago; there was a difference towards the last between him and my sister, about a month after she had been to Nixon's; not at the last visit, they were not then perfectly friendly; I spoke to her on the subject the last Sunday night she was at our house; she said she had a good reason; I asked her if it was because folks said he had another girl; she said no; this tea was a kind of herb roots, ground up in powders; I saw it after it was strained, saw the roots and the powder, they were mixed together; she had taken it four weeks before she came to town, a week or two before she had the discharge; I saw that the tea had done her good; she did not say so; she told me she took it to produce the discharge; I slept in the same room with her; she had not, to my recollection, been absent from home for two or three months; I saw this discharge in the yard, when she was washing her clothes; she never spoke to me about it when I saw it; did not speak to each other about it; I saw the stain in her chemise; never knew her to take any other liquid; Dr. Conray attended her when she scalded her feet; no other time; she told me a doctor (Conray) gave her the root; he did not give it to her for her scalded foot; she told me she met the doctor in the street, and he gave her the herbs; I don't know what savin or ergot is; she was larger in her figure when she left home; when she burnt her feet she laid on a settee, but was not confined to bed; I first heard of her being pregnant the day after she was buried, from Joe Sailor; no one else; Sailor lived up Chester county; I never saw the certificate given by Dr. Chauncey; never heard it read; I heard Isaac say what was in it, on the evening he came home from town; he told it to the folks in the house, and I was present; my sister, my brother, mother and myself were present; I heard it spoken of in our family; Nixon told him he had better go and get a certificate; that's all Isaac said; he talked about it on the evening of the day he went to town; the wages at the mill are sometimes paid in a week and in a month; we were all paid the same, all hands in the mill; Eliza said she had about \$5, the last Sunday she was at our house; I asked her how she got so much money; she said Mr. Nixon gave her and Susan Rambo at the rate of \$4 per week.

The evidence of Mrs. Mary Kingsley is given in all its particulars.

Mary Kingsley sworn.—I resided in October last in Shippen street, first court below Ninth; I know Dr. Chauncey; have known him a year last June; In the beginning of October last Chauncey brought a young girl to my house; Dr. Chauncey called on me on a Wednesday afternoon and asked me who I had living with me; I said I had a little child at boarding, my little boy and myself; he then asked me if I could take a young woman to board for 3 or 4 days; he said she had been sick and he had been attending her up in the country; he said he was the family physician; and he said it was a great deal of expense and trouble to go back and forward; I told him I thought of moving and I told him then if he thought it would be no longer than 3 or 4 days I would take her; I asked him then what ailed her; he said the bowel complaint; he said he had'n't a great deal of time then to spare, for he said he must have a place before night; he told me then if I could take her he would pay me \$1 per day; he says they are now waiting at

my house for an answer, and he took out his watch, told me what time it was and said he'd have her down in half an hour; I then went up stairs and changed the bed and in about half an hour I came down stairs and was going out the door and I saw Dr. Chauncey bring a young woman up the court; she had his arm and Eliza Sowers was carrying a basket; Chauncey and Eliza came in, they sat down stairs about a minute or two, and he nodded his head towards the stairs and then I got up and asked her to go up stairs; I took them in the front room up one pair of stairs; when I asked her to take off her bonnet and shawl; he stood awhile and said to me you may go down stairs, I went down; he remained there an hour; he then came out in the entry and asked me for a light; I handed him one, but didn't go into the room; he went away and I went up stairs and asked her what she'd like for her tea; she said she was'n't particular and would have any thing I had; when Chauncey came down he said I must take her supper up to her; she appeared well and eat her supper hearty; Chauncey came back shortly after she was done her tea; she asked me if I had any boiling water, and gave me some medicine to make some tea for her; he then had been up stairs; I did not go up while he was there; he remained there till about 9 o'clock up stairs with her; I think her chamber door was shut; when he went away I went up to sit with her; she asked me if I had any books for her to read.

I handed her two books, and went down to get a rocking chair; she seemed well; she then commenced reading, and asked me about peaches; she said she had'n't eat any, she'd like to have some; she eat some, and then we had some stewed oysters, and she eat hearty of them; when I was ready to go to bed, I asked her if I should sleep with her, and asked her how she was? she said very well, and did not wish any one to sleep with her; she rested well all that night; I didn't hear her; in the morning I went into her room, and asked her how she was? and she said very well; she eat her breakfast, and while so doing, Dr. Chauncey came; he brought some peaches, he laid them on the washstand; he went up stairs, he came down and made me make some tea; I took the tea up stairs; it was something like a powder ground very fine, and looked like black pepper, very nearly; I went down stairs, and was down a great while, when I thought I'd go up to get the breakfast dishes; the door was locked; he was then up stairs; nobody opened the door, and I went down stairs; when he went away, I went up stairs, and Eliza had not finished her breakfast; as near as I can remember, in an hour, Chauncey came back, he came up to me and handed me \$5 in silver, and asked me first if I used a furnace, I said I was then using a stove; he told me I must get a barrel of coal, and get a furnace, for he said I should have things fixed so that he could have a fire handy, and in the night, if he should want it; he said, I must get some oil, and set it in her room, and told me this money was to get these things with, and if she should take a notion for any thing I was not cooking, I should buy it out of this money; and he said it was'n't for my pay; he said, Mr. Nixon, her husband, would be in and settle, and then Dr. Chauncey was to settle with me; he didn't come any more then till towards night; she continued right well, and was not to

bed during that day; he always staid a good while; he was there again before I went to bed, and staid till about 11 o'clock; when I was ready to go to bed, I went into her room, and asked her how she was? she said, very well; I asked her if I should 'nt sleep with her; she said, no; before I got up stairs, I heard her lock her door; Chauncey had gone about 11 o'clock; then I heard no more till about 2 o'clock: she woke me, calling me: she unlocked the door, and I went into the room, and asked her if she was worse: she said yes, very bad: then she said, I will not take any more of that Doctor's medicine, for it will kill me: she had been purged, I observed it when I was called: she told me to go for Dr. Chauncey: she seemed in much pain: I went to Dr. Chauncey's, and he answered me out of the window: I told him the woman was very bad, and he must come to my house: I got home before Chauncey came: he came pretty soon: he told me to make a fire as soon as I could, and to put on a kettle of water, and let it boil: when it was boiling, I went up and told him: then he gave me some more tea to make, it was a powder: I took the tea up to him, and was standing by the bed, and he said, you can go to bed now, I can do without you: he staid till morning: when I heard the Doctor go away in the morning, (Friday,) I got up: I went in her room, and asked her how she was, and she said about the same: he was there several times on Friday: she was sick at her stomach, and throwed up that day.

On Friday evening, I think it was between 6 and 7 o'clock, I heard her groaning; I went up stairs and asked her what was the matter; she said she was very bad; I was sitting with her there, and while so sitting, the Doctor came; he stood there and looked at her for a minute or two; he told her to get up and sit on the edge of the bed; she done so; he told her to sit out further, as far as ever she could; he told her to lean on me; he was doing then what doctors do when women are confined; [he put his hands up her clothes;] she had on a dark calico frock, a black quilted petticoat and under-clothes; [he had his hands up her clothes, she was crying all the time and saying Doctor you will kill me; he would say one more minute my dear; when he was done that, he said Eliza, your womb is teetotally turned round out of its place;]—he then washed his hands; he picked up something off the washstand, and wiped it with the same towel with which he wiped his hands; it shined, and I thought it was a knitting needle; she laid down after this; I put her in bed while he was washing his hands; he then went up to her and said, Eliza, you won't want me till morning; the pains would then come and go; I don't remember how long he staid that night; on Saturday morning he came very early; her pains had continued; I was with her; I saw nothing then; I would go down and stay awhile, and then come up again; when I went up it was about 10 o'clock; (before I left the room he put the bedspread off the chair and folded it up till it was about the size of a large towel and then he laid it on the floor and told her to get down on her knees; she done so, he took the rocking-chair and sat before her, then he told Eliza to lean her arms on him; I then left them that way and went down stairs; before that I think) he was leading her up and down the floor; she had

hold of his arm, and he was walking with her; when I came up stairs again, I think in about one hour, he was about getting her in bed; I asked him if the woman was confined; he said yes, she was over it, and he said, I'll have to get you to assist me to get her to bed; (he was then wrapping the petticoat round her to keep the blood from flowing; there was blood on the quilt and as she walked up the side of the bed there was blood, which fell on the floor as she walked; when we put her to bed, when she sat on the side of the bed he had to scrape the blood with his hand to put it in the basin; I went to take up the spread and I looked for the chamber I wanted to put in it what was on the spread, he handed me the basin; and when I went to clean the blood off the carpet he said he would, I said I would do it, I took a towel and picked up those lumps of blood off of the carpet. He took another towel and a pitcher of water and wiped it up after me; after this was done he handed me the chamber, I don't know where he got it from, and he said I must put what was in the basin in there and I must empty it altogether.) I did not see the child; I went then and changed my frock, and I came in the room again and asked him to show me the child; he told me it was against the rule; I had to change my frock, because it was so much stained; (something was in the chamber, I didn't examine it, when I was throwing it down the privy I saw so many big lumps in it I was sorry I emptied down so quick;) before he went away, he gave her some tea; same kind as I made first; he then went away, I think between 12 and 1 o'clock; during his absence, she had pains; he did not come till near night; I told him of the pains she had, and he said he hadn't got the placenta; he said it wouldn't do to force it, it was all against nature, and she was the most difficult person he ever operated on; he said the medicine he gave her was too powerful, and had acted too quick; I went down stairs, and left him up with Eliza; after a while he called me to come up stairs; [he told me he would give her injections and see if that would move it; he gave her the injections, it was a powder which he scalded and looked like the tea;] I don't remember all he done, but he staid there all night; she would groan when she had the pains; on Sunday morning I went into Eliza's room; Chauncey had just gone, and she told me that he had got the placenta; [I saw the chamber standing in the chimney place, I took it up and took it down stairs to employ it; when I opened the house, I set it down and saw there was a towel in it which I wanted to take out; I took it to the privy and emptied it and did not take the towel out but emptied it altogether. she told me when I went up stairs again that she suffered so much when he was getting the placenta; on Sunday she had little pains, but didn't appear to be very bad; he called at 2 o'clock, I think, on Sunday; on Monday she didn't appear so well, she had no appetite; the Doctor helped me to change the bed on Monday; when I had got that done, I went to take the clothes which we had got off the bed; first he looked at me, and said I must be very particular, and let none see them; he said I must take them in the cellar, and put them in a tub of cold water, and he said I must wash them in the

cellar, and that I mustn't tell any of the neighbors that she was confined; he was looking at me then, and he says, did you? and I was going to say no, but I said yes, I had told; he said, you ought not to have done so, and I said why, Doctor, why didn't you tell me. She was in a good deal of pain on Monday afternoon; it got so bad that I thought she had fitts; while so, she said, for the first time, she'd die; she said she would never see her mother any more; she was so bad, that, as Chauncey lived so far off, I thought I'd go for Dr. Henry; I was ready to go for Henry when Chauncey came in; I told him, this woman is very bad; well, he said, why what's the matter now; I told him I thought she had had fitts; I think I told him I was going for Doctor Henry, won't say for certain; he said she was subject to fitts, and he'd soon have her over that; he gave her then, I think, something folded up like a powder, and then what he had done for her appeared to better her; I think he staid all that night with her; she never, from that time, seemed to be free from pain; when she got so bad, and would have these pangs, and the Doctor would not be there, she said I will die, I won't see my mother any more; why don't the Dr. take me home; I told the Dr. the young woman wanted to see her mother, and I told him he must either bring her mother or take her home; he said he would, as soon as the weather permitted (it rained all the week); I told him this more than once; I would say to her Eliza you had better tell the Dr. and she would say I do; when I would tell him he would say, she is so childish she cannot bear the least pain; he said you must not talk that way to her, you must cheer her up; sometimes when I was sitting in the room with her; I would ask her if she wanted any thing and I found she was praying; I'd say Eliza, do you want any thing and she'd say why don't William come; on Wednesday I saw Chauncey draw her breast, I went in the room and saw him; I can't tell any thing particular until he took her away; he still said he'd take her home when the weather permitted; the morning that he took her she went on and said she would die and why didn't the Dr. take her away; I told him, when he came in the (Friday) morning, about Eliza's going on; he didn't tell me he'd take her that day; he came back late in the afternoon and called me and said he wanted Eliza's clothes, that he wanted to take her home; she was very bad on that day; she had a stick at the bed and had to knock when she wanted to get out of bed, and I had to go up and help her; I went up and packed her clothes, he named the articles; I asked him whether I should comb her hair; the Dr. combed it; I told him that the day was so damp that probably she'd get cold; he told me he was going to take her home; I said Dr. isn't it very late to take her home, he said she could go to Norristown in an hour; he then directed me how to do, to take off her bed gown and put on her a dark dress; he told me to take off the stockings she then had on, (white ones) and put her on a pair of black ones; I put the black ones over the white ones and the dress over the bed gown; he said I must take the bed gown off; but I said I wouldn't, for she'd catch cold; it was one of my bed gowns; it was about four o'clock; he said just wait, I'll be back in about a quarter of an hour with a carriage; he said I must have her bonnet and shawl on and told me how to place them by the time he came back; I got her up to put on her bonnet and shawl, and he got the pains so bad that I had to lay her down again; he came back with the carriage, he looked and saw she was in bed and he was very angry because I hadn't her bonnet and shawl on; he said, Eliza, you ought to have been ready, the man will charge me double price for the carriage; she began to cry, and I said it wasn't her fault, it was mine; we got her out of bed then, and put on her bonnet and two shawls, and her feet were so swelled I could hardly get her shoes on; before we went down he said now, Eliza, I want you to put on all the resolution you've got, to bear the pains so as not to make any noise and alarm the neighbors; the Dr. got her down stairs but was a long time getting her down, but he didn't carry her; when he got her down I carried the basket, he came down after me; she was crying with the pain and almost drawn double; I told the Dr. she had better sit down and rest; he said no, he'd take her to the carriage; he took her first and I carried the basket after them, when I got out she was in the carriage and the Dr. was in too.

When I got on the step and handed the basket, she put out her arms for me to come to her; I said Doctor, shan't I go to the cars with her, and he said, no, there's no occasion: I bid her good bye, and hoped she'd get safe home, and they went away: when she went away, she had on a dark calico dress, a Canton flannel petticoat, a bedgown, a pair of white and a pair of black stockings, a small red shawl, and a white one, which was larger: from the time she came, till the time she left, she never was out of my house, not down stairs: that gentleman (being shown Dr. Armstrong) was never at my house: I don't know him: no person but Dr. Chauncey visited her: I next saw Chauncey on the next Monday morning, he came alone to my house: he came in and sat down, and I asked him how Eliza was: he says, 'drot' her, we don't want to talk about her, we've had trouble enough about her: my little girl, and a young woman, named Margaret Wright, were there: he then asked me to go up stairs: I went up, and when we got up, he shut the door: then he says, is any person up here? and I said, no: then he said, I come to tell you Eliza's dead: he then told me, he didn't wish me to say any thing about it: I was so frightened when he told me, I don't remember any thing else he told me when he was upstairs: when we came down, he didn't sit down, and as he was going out of the door, he turned round and said, I expect her brother in, in a few days, to settle with me, and then I'll settle with you: I didn't see him again till the next Wednesday forenoon: he then told me Eliza's people were in town, and he says, I'm agoing to bring them to see you, they want to come: why, said I, Doctor, what are they coming for? he said, being as she left them well and hearty, and come to town to pay a visit, and then not hearing nothing about her, and not seeing her till she was dead, they would like to come and talk to me, and then they'd feel better satisfied: he then said, I should say nothing about her sufferings, and I musn't say that she was confined: he said, it would be only exposing the girl, and hurting their feelings, and she was dead and gone now: I then asked him why I musn't tell them: he said, that these old women who washed and laid her out, when they saw

she was so swelled, surmised she was in the family way: he said it was'n't her relations who were making the fuss, it was these old women: he said, these old women were under the impression that she was buried in this situation, and he wanted them to think so: he then told me he was going to have a certificate stating another complaint, and that he was going to get that gentleman (poing to Armstrong) to sign it, because he had been to college: he said, that if Eliza's brother asked him to take him to Armstrong's that day, he'd say, he (Armstrong) was out of town, and that he wanted to see Armstrong, by himself, first: then he told me what I must say: he said, I must make as light as possible of it, and I must say she was ready to come home on some day, (I forget what day), and that she walked out that day, and that she was taken very bad after she went out: he told me, that when he first came in, I must ask him how Eliza was: he said, I musn't let her people know that I knew she was dead: I can't remember all he told me: he told me, I must tell her people that I nursed his patients, and if they asked me if she walked away, I must say yes, on a Saturday; Dr. Chauncey, before Eliza's sisters came, got more of her clothes: he took a chemise, nightcap, pocket-handkerchief, and a black quilted petticoat: he came back after dinner with two young men and a lady: he asked me a few questions: he told me who they were, that they were Eliza's sister and brothers.

I remember the brothers saying to Chauncey, where did you get this settee from? Chauncey said when he got her to the corner of Ninth and South streets, he saw some colored men, and told them this woman was very sick and to go and get a settee; he said they did, and then the gentleman asked him who these colored men were; he said he didn't know—he paid them, and told them to go about their business; the brother then said, now you shall take me to Dr. Armstrong's; I don't know what answer he made to that; the brother said I will have her taken up and examined by other physicians; I asked the sister if Eliza had been subject to fits; she said no; she asked me about Eliza's being in the family way, and she said they would like to be satisfied; I then told her I would tell her something if the gentlemen were not present; then she asked me about Eliza's clothes; she asked me about her worked collar; she asked me if a little red shawl was left there; I told her no, all her clothes were taken away, and the Doctor was present when I put them in the basket; they went away; I saw Chauncey again the next Sunday night; he asked me if Dr. Armstrong had called at my house; I said no—I never saw him; he then asked me if I had seen any of Eliza's relations since; I said no; there were in the room two or three young women at the time; he got up to go away; I went to the door with him—I thought he looked at me as if he wanted me to come out; I went out and he said, are you certain none of her people have been inquiring of these neighbors? I said I never know'd it if they had; he said your telling these neighbors, if they should come, will play the devil with us both; he asked if I had the bed quilt washed yet; I said no; I then said, Doctor, what made you tell her people that you took her away on a settee? He said, never mind that, I'll get that all fixed; he said I'm a going to say that I took her in a carriage first, but that

she got very ill, and, seeing these colored men coming, he got them to get a settee; he then repeated that it was'n't her friends who made the fuss, but the old women—he said they could'n't prove any thing; I then said, Doctor, they said they'd have her taken up; he said, well, in case they should, they can make nothing out of it, unless there's a piece of the afterbirth left; he said that she'd been buried so long, that, with the inflammation and mortification, her insides were so much decayed, they could make nothing out of it, and that, if they ever come, I must be very particular, because one word I would say would cause us both trouble; he said, in case she was disinterred and a piece of the afterbirth was left, they must prove he done it; he said now they had left it rest so long, he didn't think they'd do any thing; that he'd talked to her brother and he appeared reconciled; that he told him he had done this to save her character; he said then he'd been to Squire Binns and made his statement; I asked him what that was; he said it was a writing on a paper; he told me I musn't go out to stay long, for Dr. Armstrong would call, and wanted to talk to me; he said now you don't know Armstrong, he's got a cloven foot; I then didn't see Chauncey any more till Tuesday evening; I went to his house then to get my pay; he said he could'n't pay me, he was very sorry, and then began to tell me about the trouble and expense he had had with Eliza; he said he had to keep her longer than he engaged to keep her and it was a great loss to him, and that she occupied all his time; that when she was dead he had to hire a carriage to go out and tell her people she was dead; that her brother had told him to get a mahogany coffin and send her out in it; that he done so and that he was obliged to take five dollars out of Eliza's bead purse to pay for the coffin; he told me that he had the purse and it had 17 dollars in it, and that he gave the rest to her brother; he said her brother had promised to settle with him, and that he told him I was not paid; that they were very mean, ungrateful people, and he would never ask them; he then said it was strange that Nixon hadn't been in, that he was under the impression that he had been in town, but was so watched by Eliza's friends, that he was afraid to come to his (the Doctor's) house; he said when she was dead he didn't know where to find her friends, but whether he said Nixon showed him the place, told him, or took him to the place, I am not certain; why, Doctor, said I, you told me you was the family physician; oh, says he, never mind that, say nothing about it; I then said, Doctor, how did you get the girl; he says, through Nixon; he said Nixon heard he had done such things, and he came to him and told him the circumstance, and he (Chauncey) agreed to take her for so much; he said he told Nixon I was not paid, and that he told him I had had a great deal of trouble, and that Nixon said I should be paid; he said he was going the next day to some place where Nixon went when he came to town, and he would get as much money from him as would pay me; I said I knew nothing about Nixon or Eliza's brother; I says, Doctor you are paid, and you ought to pay me; he was telling me about the young woman, and that Nixon being a married man, and a neighbor of theirs, it was put on him; that he paid for it, but was innocent; he told me she had a young

man who courted her; then he told about Con-fore I mentioned it to McLane, to a man who wall; Charles was the first name; he said he came with him; I told him separately; there had been courting her for a long time; and that were three gentlemen; McLane left them, and I her having a child happened with Charles, and told him; I was not advised by either of them to that she was put in Nixon's way; I then asked tell my statement; I have said this several him how they came to know about Nixon; he times; I told Mr. Reed, in the debtors' apart- said the day she came to town, Nixon and he; ment; never heard any other witness examined were talking together. [The night before I was in this case; am certain of it; I was not present arrested on the Tuesday evening, I was at his at the examination of other witnesses before Mr. house he said such a big, fat, hearty thing as her, Rush; I have read no testimony in any newspa- (meaning Eliza) to give him so much trouble per; never heard it spoken of; before I was ar- when last November,] Chauncey never brought rested, I had spoken of this matter to a man who me patients before; the way I got to know came to my house; when I went to Chauncey's Chauncey, was, a woman named Porter lived house, and came back, this man was at my house, with me, and he attended on her; I was arrested (Tuesday night;) his name was Return Lacey; on the morning after Tuesday, and made the sub- no one was there during the conversation with stance of this statement to officer McLane, and Lacey; it was just at candlelight; I don't know subsequently told it to you, (speaking to the At- where he is now; don't know where he lives; I torney General.) No promise was made to me; have known him for several years; he then when I came out of Chauncey's house, he wanted lived in George street, towards the river, (Schuyl- me to come back and tell him again, so that I kill;) he was a married man; he called to see would not forget it, and if it ever would be me: don't know whether he called for any thing brought to a bearing, he would give me \$50.

THURSDAY morning, January 10th.

Court convened at 10 o'clock, A. M.

Mary Kinsley cross-examined.—I now reside in the debtor's apartment; I have resided, since my arrest, in the debtors' apartment; I resided in Baker street before moving into Shippen street; it's above Fitzwater, running from Eighth; I am a married woman; as far as I know, my husband is living; don't know where he lives; I am a native of this city; before I moved in Baker street, I lived in Hubbel street; when I lived in Shippen street, and before, I had a child boarding with me, and I took in sewing; I never kept a shop; took boarders, not in Shippen, but in Baker street; women boarders; Mrs. Porter was one boarder, and a woman named Sarah Green was another; don't know where they live now; I moved into Shippen street in November, 1837; I moved immediately from Baker to Shippen street; moved into Baker street in August, 1837; Mrs. Porter lived with me before that; when she first came to live with me, I lived in McMullen's court; Mrs. Porter was married; her husband boarded with me; she got married again after that to Mr. Erickson, and he lived with her at my house; the last I knew of Porter, he was living; from the time I moved into this court, I can't say I had any boarders; Margaret Wright had lived with me, she didn't live with me in particular, didn't pay board; I received no board for her; no one else came backwards and forwards, and remained a few days; I am sure of that; I have not been married more than once; I was arrested on Wednesday morning, the morning after the Tuesday when I was at Chauncey's; I was arrested by an old gentleman, Mr. McLane; I made this communication when he said I was sued; he had a paper, and read it; I said I didn't know that name, and after some other preliminaries, I told him how it was, and that the woman was confined; McLane told me to tell him nothing; I was never requested to turn State's evidence; told him some in my house, and some as we came along the street, and down stairs in the Mayor's office; I told it next to you, (Attorney General,) same day; I don't know how I happened to tell it to Mr. Reed; I thought I must tell it; I don't know who I told it to next; I think I told it before Mr. Brown, in the Mayor's office; I mentioned it before I mentioned it to McLane, to a man who came with him; I told him separately; there were three gentlemen; McLane left them, and I told him; I was not advised by either of them to tell my statement; I have said this several times; I told Mr. Reed, in the debtors' apartment; never heard any other witness examined in this case; am certain of it; I was not present at the examination of other witnesses before Mr. Rush; I have read no testimony in any newspaper; never heard it spoken of; before I was arrested, I had spoken of this matter to a man who came to my house; when I went to Chauncey's house, and came back, this man was at my house, (Tuesday night;) his name was Return Lacey; no one was there during the conversation with Lacey; it was just at candlelight; I don't know where he is now; don't know where he lives; I have known him for several years; he then lived in George street, towards the river, (Schuylkill;) he was a married man; he called to see me: don't know whether he called for any thing particular; I used to tell him about it, and told him about it before; the Sunday night Chauncey called, Lacey was there, and he asked me what Chauncey told me: I told him then: when Eliza was there, Lacey was there almost every evening; he came to see me: never told him till this Sunday night after Eliza went away; he knew the young lady was there: on Sunday night he asked me about Dr. Armstrong and Eliza's people: I told him there was a sick person there before that Sunday: there were persons there that saw them: a gentleman was there, and he and Dr. Chauncey talked together: I never knew any gentleman was there while Lacey was there: while Eliza was there, and me and Lacey were there, on the Sunday night, the Doctor came: there were three young women there: one was named Buck, another Margaret Wright, and Rachel—something: don't know where they lived: Rachel and Buck lived in the neighborhood: there was another gentleman there, who one evening spoke to Chauncey: don't know his name: he used to come to see Margaret Wright: there were 3 rooms in the house: I don't know where that man lived; I mentioned this occurrence to some women in the neighborhood, while Eliza was confined: told them she was confined: did not say how she was confined: never told this to any woman while she was there: I mentioned it to Mrs. Smith: she was then a neighbor: I told it in my house: she lived in the next court: the Saturday after Eliza came I told it: I also told it to Mrs. Scout, on Tuesday: asked her if she'd do the washing for me: Mrs. Scout lived in that court then: I told Mrs. Smith before the woman was confined, and the Doctor said he hoped she hadn't told the neighbors: after she was removed, I mentioned what had occurred to none but the officers of justice and Mr. Lacey: on Tuesday, when I returned from Chauncey's, we parted good friends; never had any difference with Chauncey: I never said but one rough word to him, and that was when he said he had her head bag: I have been often at Chauncey's; as soon as I came from Chauncey's, I told Lacey: I did not ask the Doctor for \$8: he said he'd give me \$1 per day: I thought he owed me \$10, and I asked him only if he'd settle with me: I did not differ with him about the \$5 I received of him: when I was examined in the Mayor's office, I said I

could remember the name if I'd hear it, whether it was Nixon or Dixon; I say Nixon now, because when I heard it I could recollect it: before the Recorder, I don't recollect whether I said anything about a knitting needle or not: I think I told the Recorder about my having been at Chauncey's on Tuesday night: I don't know that I told the Recorder that I had told Lacey: I saw the Doctor pick the knitting needle up and wipe it: never saw it before: don't remember that I told McLane or Lacey about the knitting needle: told Mr. Reed: don't know that I told any one else: mentioned it to Mr. Reed some two or three weeks ago, at his office; I think I told the Recorder that Chauncey told me that he expected Eliza's brother in town, to settle with him, and that he would then settle with me. I mentioned in the Mayor's office that Chauncey had asked me to keep this a secret; it was late in the afternoon, about 5 o'clock, when Chauncey first came to my house; there was no person with me; he did not remain long then, maybe 10 minutes, he was in a hurry; he said he'd return in half an hour and I think he did so; it was not dark when he returned; she took some of the Dr.'s tea that night; I could know by the color of the tea whether it was the same I gave Eliza; if I would see some; couldn't tell by the smell: on Wednesday night she was well, and I asked if I should sleep with her, because she was represented to me as a sick woman; I received altogether \$5; he gave me it all at one time; I'm sure I got no more; he requested me to get oil for a lamp; on Thursday after Eliza came, he said Nixon would come and pay; (here witness burst out crying and said Chauncey might tell himself); the first delivery was on Saturday morning: I first saw the knitting needle on the night before and I never saw it afterwards: I can't tell the length of it: I didn't speak to him about it, and didn't see it in his hands [when he placed them under her clothes] while he was washing them: I had put her to bed and just turned round: he came early the next morning: no one took place that night, she only had pains; [I did not see the floor before Saturday, saw none on Friday night only what was on the Dr.'s hands;] when he took his hands from her person I saw nothing followed: [don't know whether she required the chamber after it.]—Chauncey never spoke of taking her to his own house till after her death. He told me on Monday morning she had died at his house on Saturday: on Wednesday after her death, he didn't stay more than 10 minutes and then said Eliza's people were in town: don't remember whether I mentioned this in the Mayor's office: I remember telling the Recorder about the Monday's conversation: don't recollect telling the Recorder that I told Susan Sowers if the men were not there I would tell her something: I don't know that she answered any thing: Chauncey got up and said I must tell them all about it, and then I told what he told me I must say: did not communicate any thing in private to Susan: on Wednesday after 12 o'clock, he first said he'd have the certificate prepared and mentioned Dr. Armstrong's name: I told the Recorder he said he'd get Armstrong to sign it because he was Col. lege bred: I guess her brothers and sisters left about 3 o'clock: I'm certain I heard the brother say he'd have the body taken up: I think the tallest brother said now we'll go to Dr. Armstrong's: don't recollect what answer Chauncey made to this: I don't recollect that the other brother said any thing: my name before marriage was Coates: I never knew Armstrong: he never attended any of my family: he never came to my house after Eliza was there: don't think he could have been there without my knowledge: I never heard of Armstrong till the Wednesday after her death: when Chauncey came on the Sunday after this Wednesday, Mr. Lacey and 3 young women were there, tho then staid but a very short time: I suppose half an hour: on going in the house after talking out side with Chauncey, Lacey asked me what he said, and I told him some of the conversation in the hearing of the young women; don't remember whether I said before the Recorder that Chauncey said my telling the neighbors would play the devil with us both; I told down stairs at the Mayor's office about his saying about carrying Eliza away on a settee: on Sunday night he told me he had been at Binns' office and had made his statement: it was the Sunday before I was arrested: he did not say when he made it: it was on that Sunday he told me not to go out long because Dr. Armstrong would call: I went the next Tuesday night to get my pay; he told me she died at his house on Saturday, but didn't mention the hour: he didn't say who was the father of the child: he told me about another gentleman as I stated last night: I have been examined twice at Mr. Reed's house, and twice he was at the prison while I was in prison: no one else examined me at the prison: I was never told by any one that after being examined in this case I would be let out of prison: Mr. Reed asked me the color of the powder at his house, but I didn't mention it before the Recorder: I mentioned before the Recorder that when she was sick she said why don't William come: I mentioned that Nixon had paid for it but that she was innocent: I was examined up stairs twice on two different days: since I have been examined before the Recorder up to the time I was examined by you: (the Attorney General), many things recurred to my mind: on the day Chauncey took her away, he used a catheter to draw off water, I think it was a little black thing and was the only thing I ever saw him apply to her person: this did not look like the thing he wiped at the washstand (tea was here shown the witness) this don't look like the tea: it was darker: I was to put boiling water on it: I think the Dr. sweetened it: I gave her a wine-glass full at a time: I saw my husband last 5 or 6 months ago: I made mugwort tea for her last.

[In consequence of the frequent reference made to the certificates of Drs. Chauncey and Armstrong, it has been thought proper to publish them in this place.]

To the mother and friends of the much lamented Eliza Sowers, is the following statement most respectfully addressed:

On Wednesday, October 3d, Eliza Sowers called at my house: said she had just arrived from Manayunk: said she did not feel well: complained of a severe griping of the bowels: that when she left home she felt pretty well: but that on leaving the cars, she felt a great dizziness in the head, &c.: said she did think of calling on me about some complaint before she returned home: that she had got my address, &c., from Mr. Nixon, and that her brother intended to come

to get something for dyspepsia. I gave her some aniseed cordial, with a little spirits of camphor and peppermint, which seemed to relieve her for the time. I asked if she had some friends in the city: she said she had acquaintances, but did not like to go there sick. I told her she would feel better in a short time, and that one of my daughters should accompany her to her friends, as she said she was not acquainted in town: she said she would rather board some place a day or two, if I thought there was no doubt but that she would be well in that time, and wished my attendance: I told her I would cheerfully attend upon her, and that from appearances I presumed it was a mere bowel complaint, and would soon yield to medicine: that I should at once give her place in my family, but that we had no servant at present: I told her I knew a woman who followed nursing, and who, I thought, would take good care of her, and would be glad to receive her for a few days, on reasonable terms, if she was not engaged at the present time: she desired me to see her, which I did. She (Eliza) had now remained in the office two hours, or more, and on my return, she felt relieved. I told her the woman would take her for a few days, at a dollar per day. I showed her the place, with which she seemed to be satisfied. On the 4th day, (Sunday, the 7th,) her bowel complaint was completely checked.

On Monday, the 8th, she said she would visit an acquaintance of hers. She returned the same evening, but said "she was disappointed, for they were not at home." I saw her not till the following morning, (Tuesday, the 9th:) she complained of oppression at the breast and windy stomach: said perhaps her brother would be in this afternoon, and if he came to my house, she wished me to bring him down to see her, for she wished him to price some wood stoves in the city: that she wished to purchase one before she went home, with a boiler at top, &c. I told her if her brother came not, I would cheerfully take that trouble on myself for her, as I was passing frequently where such things were sold. Don't mind, said she, I shall go home to-morrow (Wednesday,) for she had promised her friends to be at home in a week. On Wednesday and Thursday she appeared well enough: but the weather was so stormy and wet, I thought it would not be prudent for her to go: she seemed cheerful, but desirous to go home. Early the following morning, (Friday,) she said she sent for me: but the messenger came not, stating he could not find me. I did not see her till 10 o'clock on the morning of Friday, having left her so well, apparently, on the evening previous: she seemed in great agony, and much displeased that they had not brought me sooner: she could not pass her water: I instantly procured a catheter, and drew off nearly a quart of water, which relieved her. I asked her what she had been drinking the day and evening previous: she said she had drunk nearly a quart of ale sangaree, but it never served her so before: from this time she complained of oppression at the stomach, extreme flatulency, difficulty of breathing, frequent loud belching stitches in the side, much distress at the epigastrium, stomach rejected every thing. She observed to me, that her sister Susan's life was once saved, she thought in a similar case, by the application of a mustard plaster to the breast: it was applied, but did not relieve. I could scarce-

ly leave her a moment during the day. From the rapid distension of the abdomen, inflammation of the peritoneum was very apparent. I now called Dr. Armstrong to my aid, who at once decided with me, that the case was inflammation of the peritoneum, and extremely precarious as to result.

I now ardently wished the presence of her friends, but durst not leave her a moment, nor did I till Saturday morning, when, at her request, I brought her to my own house. Dr. Armstrong called to relieve me, while I endeavored to get some word to her friends, but could find no one that was willing to go: not knowing exactly where either of them lived: when I returned, she was not able to speak: but seemed in an ecstasy, wholly engaged in prayer and praise to God, for the last hour or more: taking very little notice of any one around her: but there seemed to gather around her trembling lips, a sweet and most heavenly serenity, whispering with her last breath, "Blessed Redeemer, "Precious Jesus," with a placid smile on her countenance, that gave the most positive assurance of a blissful immortality in the world to come. She died at half past 2 o'clock, P. M., on Saturday, the 13th October, (inst.) 1838.

Thus have I given a brief and faithful detail of this lamentable case: and if the friends grieve more than I do over their ill-fated Eliza, I sincerely pity them. But having the consciousness that she was not neglected, that she had my utmost attention and care while she lived: but being a stranger, my sympathy and pain for her were the greater. And if there was aught to mitigate the pang that I felt, it was the assurance of her acceptance with her Saviour in heaven.

Respectfully, yours, &c.

F. CHAUNCEY, M. D.

I was called to consult with Dr. Chauncey, at the house of Mrs. Kinsley, on Friday, the 12th inst., and, at his request, visited with him until Saturday afternoon following. Upon examination on Friday, I readily detected peritoneal inflammation: I inquired if the patient had been afflicted with dysentery or diarrhoea. The Doctor informed me there had been a severe diarrhoea, but no dysentery. He then inquired of me, whether I thought the predisposing or exciting cause could have been any improper indulgence in food or drink, to which I replied, these together with exposure to a current of air in the room, with a dampness of the atmosphere, had most probably been the exciting cause. The case was unremittingly and faithfully attended, but unfortunately this case, as many similar ones, seemed to resist every remedial aid, on account of the extreme irritability of the stomach.

WM. ARMSTRONG, M. D.

Affirmed and subscribed, Oct. 17, 1838, before
JOHN BINNS, Alderman.

I have carefully read the statement of Dr. Armstrong, and know it to be, in all particulars, just and correct, and that the whole of the statement, to which I have subscribed my name, is just and true.

I desire further to add, that I have no knowledge that the above named patient was *excited*.

F. CHAUNCEY, M. D.

Affirmed and subscribed, Oct. 17, 1838, before
JOHN BINNS, Alderman.

Elizabeth Hubbard, sworn.—I know Dr. Chauncey, have known him better than a year now

he brought a sick person (El. Sowers) to my house in October last: I then lived in Eleventh street, below Pine, on the east side: on a Friday afternoon he came to my house, and asked me if I could take a sick lady to board: I said I would: this was about 3 o'clock: he went, and said he'd fetch her right away: he came back in about 1 or 1½ hours afterwards in a carriage: he fetched Eliza in a carriage, and she was very poorly: they had to help her out of the carriage: when she came as far as the stairs in the entry, she said, oh, I'll faint: she wanted to sit down on the stairs, and I said, you'd better go up to bed: then we got her up two pair of stairs, and into bed, in a side room: the Doctor was with, and I believe he put on her night gown: I went down stairs: when I went up stairs, she asked for tea, and I went down and made it: then the Doctor mixed up some kind of red powder and gave her: she took it, and moaned and groaned a good bit, and I felt very sorry for her, and she got very cold, and we made hot bricks for to put to her feet: she was bad all night: I sat behind her back, and held her up all night: the Doctor staid all night: I left her about 4 o'clock in the morning: I saw her again between 8 and 9 o'clock on Saturday morning, she moaned and groaned a good deal, and I told a gentleman in the house to get another Doctor for her: she said the pain lay all in her stomach, and there was something more than wind there: I sent for Dr. Rush, in Chestnut street: he did not come right away: but then Chauncey came back: Dr. Rush said he didn't like to come, unless Chauncey gave his permission: I asked Chauncey, and he said, yes, right away: I sent again for Dr. Rush, and he came right away: on Saturday morning she told me she thought she'd die: there were no discharges then, or none except what I found on her chemise: it was in a tub of water, and I found some blood on it on Sunday morning: when Dr. Rush came, she asked him if he thought she'd die? and asked him if he had a daughter? he'd have feeling for her, and not to leave her: Chauncey was not present: Dr. Rush said, I should get and give her some port wine: I got it, and she drank 3 or 4 glasses of it: Rush staid from between 9 and 10 till they took her away: Chauncey was in the front room: Eliza was removed from my house on a settee, by 3 or 4 colored men: Drs. Rush and Chauncey, myself, and 3 or 4 girls, and a colored woman were present at her removal: she then was rather better: I understood she was to be conveyed to Chauncey's house: she was removed between 1 and 2 o'clock: she first said, she thought she'd die on Saturday: she asked me if I'd get her another doctor: I said, I would: she said nothing to me about her mother and family: she said she'd die before Rush came.

Cross-examined.—It was about 10 o'clock she said so: she said she thought she'd die if she didn't get another doctor, and then I sent: she said, if she got better, she'd come and see me: I asked her to come and see me: she said she would, if she got well.

The attorney general here proposed to give the declarations of Eliza Sowers to Dr. Rush in evidence. It was objected to by the defence, and the subject argued by Mr. Norris, who quoted from 19th Common Law, page 518, also from 32d Common Law, page 487, and 14th Common Law, page 493; all cases which referred to the subject of dying declarations now before the Court. Court adjourned.

Court convened at 3, P. M.

The argument was suspended on the proposition of the attorney general, who said, he would examine Dr. Rush previous to having this question on dying declarations finally settled.

Chauncey, when I lived in Sixth, above Race street, came to my house with a girl: before he brought Eliza Sowers to my house, he once brought a girl to my house in Sixth street: Eliza took nothing at my house but gruel and port-wine.

Cross-examined.—I think she was removed from my house between 1 and 2 o'clock: I couldn't say exactly, I think it was after 12 o'clock: I sent a Mr. Montgomery for Dr. Rush, he's a friend of mine: I kept boarders: I have followed that business between 6 and 7 years: 4 young ladies, Matilda Parker, Catharine Hawkins, Matilda Kisner and Amanda Johnson were at my house: one's married, Catharine Hawkins is, the others are not: Mary's the name of the colored woman who was there: Chauncey never told me he was on his way to his house with the girl, and she got sick: he said, the accommodations she had elsewhere were not sufficient for her: I attended her principally: Chauncey sat up with her all night: I saw no want of attention on his part towards her: heard no hard language: Chauncey did not tell me what was the matter with her: he paid me \$2: there was a bedgown, night cap, and jacket of Eliza's left at my house: I did not take that red powder, it looked like Cayenne pepper: it was given in a little warm tea, (some powder was here shown witness:) yes, sir, that's the kind, I know the smell of it.

Dr. James Rush, sworn.—I was called to see a young lady at Mrs. Hubbard's house, in October last; was requested by a messenger about 9 o'clock in the morning; that the girl ill was at that time under the care of a Thomsonian physician; that the girl had called on a general consulting physician; I first refused to go until Chauncey had been apprised, and agreed to my being called; the messenger returned, and said Dr. Chauncey had no objection to meet him; I arrived at the house about 10½ o'clock; I was sent in the back room of the third story of the house; when the door was opened, I beckoned Chauncey to come out of the room; we went to the front chamber in the second story; I there heard from Chauncey that this lady had been under his care, with some alimentary disease; I learned he had given her rhubarb and magnesia; didn't hear of any other remedy; from some information I have received from people in this house, I said, "They tell me this lady has had a miscarriage:" the Dr. said, "If she has, I know nothing about it;" we left this room, where we had gone to consult, and went up to the chamber; I was at the house about 1½ hours; the first three quarters were spent in presence of the girl, with Dr. Chauncey, Mrs. Hubbard being occasionally in the room; the next half hour Dr. Chauncey was absent; after his departure, perhaps a quarter of an hour, we prepared to remove her; we entered the sick room, and the first glance of my eye indicated to me that she was dying; I came to the bedside and asked Mrs. Hubbard for her name; she said, Eliza; I found her with a livid face, wild and staring eye, great restlessness, tossing of her limbs, great anxiety and difficulty of respiration, sighing and moaning and exclamations of agony; her abdomen very much swollen, hard and tender to the touch; her extremities cold and her pulse gone; yet, with all this, she had her perceptions about her; I asked Dr. Chauncey to retire from the room; he got outside, and we closed it and covered for a moment; I said, "I think this girl is dying;" he assented, and then remarked, "I should like this girl removed from this house;" I observed that from her condition I was afraid she wouldn't bear it, for that she might die in the street; but I remarked, "Dr. as you've been more with her

and you're the physician, you can do as you like;" he said no more, and didn't urge it any farther, but seemed anxious that she should not die in that house; from the exhausted state of her system, I proposed to give her some wine, which was done; she took 6 or 7 glasses while I was there, which was the only treatment she got while we were together; we then went into the room and passed some time; she made one or two exclamations and one or two answers to questions; I asked her if her mother knew she was sick; she said, "She doesn't know that I've had a child;" I then asked her whether there had been much loss of blood; she said, "Yes, when the afterbirth came away;" she exclaimed, when I and Chauncey were at her bedside, to Chauncey, "How could you say you'd raise me in five days!" to that I am not certain whether Chauncey answered to it at that time or not, he hoped to have done it; by this time the girl appeared to have lost nothing, and thinking that she might live a while longer, I said, "Dr. I think we might now risk the removal;" we arranged she should be carried horizontally on a settee; the Dr. then left me, to procure porters and the settee; I had then not changed my opinion with regard to her being in a dying state; she was more quiet; I acceded to Dr. Chauncey's suggestion to remove her on account of the character of the house; I think I heard Dr. Chauncey say he would see Nixon that day, somewhere about 12 o'clock; I requested Dr. Chauncey to send to the parents; he assented to the proposition; I told him to see Mr. Nixon, to which he assented; I was under the impression that Nixon was a cousin of the girl's; when Chauncey came back, he told me he had bro't the men with a settee; they were in the entry; I asked him if he had seen Nixon, and if he had sent word to the parents; I think he said he had not time, and appeared to regret for not having done it; the remaining time was occupied in getting her ready to remove her; she requested me to visit her; they told her they were taking her to Chauncey's house, and she assented; I was not able to get to Chauncey's house till about 3 o'clock; I asked for Dr. Chauncey; was told he was out; I asked if a sick girl had not been brought there, and was told she was deceased about half an hour ago; was asked to go up, but declined; could not say what her own views were as to the result of her disease; she did not seem under any impression that she was going to live or die; she seemed totally absorbed in her sufferings.

The Attorney General then proposed to ask the Doctor what passed between him and Eliza Sowers in Dr. Chauncey's absence. It was objected to by the defence, and the argument suspended by the Attorney General at the opening of the court, resumed again by Mr. Norris, who quoted additional authorities on the subject of dying declarations, from 25th Common Law reports page 332 and 3d Deacon's Criminal Law, page 923, referring to cases in which such declarations had been excluded. After he had concluded his remarks, the Attorney General took up the argument, and contended that the dying declarations ought to be admitted. The court ruled that the dying declarations in this case could not be admitted.

Examination continued.—I had two interviews with Chauncey subsequent to parting with him at Mrs. Hubbard's door. The first was at 3 o'clock on the same day; while I was at his house, after declining to go up stairs, he came; I said the poor girl's gone; he said yes; I said this will be a serious matter, doctor; he observed, there's nothing herein that will criminate me, or words to this effect; I said appearances would be very much against him; I think he then made a remark to me, asking if I could criminate him; I said not, you told me you was an innocent man in this matter; I observed, they tell me you are a Thomsonian; he said no, I am a botanist; I said you are still a physician; I said this may undergo a judicial investigation, if it does I shall feel called upon to tell all I know; I then remarked, you remember the girl said she had a child, which proves that she had one; you remem-

ber also she asked you how you could promise to raise her in five days. I also drew his attention to her saying she had lost a great deal of blood, when the after-birth came away. To this he said something like a placenta came from her. I then said the girl said in his absence, that she thought he (Chauncey) would have pulled the life out of her. I told him it was his duty now to inform her family of it; (this was while the corpse was in his house, on Saturday, 31st of October); and to tell them all the facts about it, and to arrange things with Nixon, who I yet thought was related with the family. I next saw Dr. Chauncey on the day he said the body was disinterred; he called on me at my house; when he came I said what is the state of this affair—how is it settled? He said, I went out there, agreeably to your advice, and the interment took place—but that he understood now, from a certain class of people at Maayunk, that the impression had gone abroad that the girl was in the family way, and that the family were going to have her taken up and examined. I asked him if he had told the family of her having been in the family way. He said not. I said now the whole secret of the girl's state will be developed; I said you must do another way—you say you are an innocent man, act as if you were one, go and inform the family of every thing you know about it—of every and anything. I advised him even to go out and to be present himself at the post mortem examination, and to tell them all about it. He seemed backward to take this advice; after a little while he said I can't, I have given a certificate to a contrary opinion. I was surprised, and asked him the nature of it. He then wrote on a paper that he declared the girl had not been in the family way. I exclaimed at it. He said I gave it at the beginning of the case, to spare the feelings of that family. I said to him, notwithstanding that, you must go—tell them you did it under that motive. He then said, but I have given it and sworn to it before a magistrate. I said that is still worse, but you will have to tell something—you better even go now and tell them. I guess I talked to him in my office at least one hour and a half; he in his conversation seemed impressed with the impropriety of it, and said he felt better after the conversation, and appeared to be willing to go out and let the family know. I am confident Dr. Chauncey told me the body was to be disinterred that day; at Hubbard's, on the morning I was there, the girls were there and Richard Montgomery; I never saw Dr. Armstrong in my life; (looking at Armstrong) I never saw you before, sir; I did not see him at Mrs. Hubbard's.

Cross-examined.—When Chauncey was absent, Eliza exclaimed, in Mrs. Hubbard's house, while Mrs. Hubbard and I were there, Oh! what I had to go through! She exclaimed again, what I repeated, I thought he'd pull the life out of me; she told me then that Doctor Chauncey had taken her to a house down town, at which she was unable to sleep all night from the noise, and cursing and swearing which was going on there; her remarks were very disconnected; she stated that Charles Corman was the father of the child; she said she was engaged to be married to him, but he, upon being made acquainted with her condition, had gone off to New Orleans—that he was a railroad contractor, and said something about his living near an Inclined Plane; I asked her if her parents were living; she said she had a mother—that they were respectable people; she did not accuse Mr. Nixon with any impropriety; she was perfectly sane; she said her mother's name was Betsey Sowers—that she had brothers and sisters—that one brother lived in the Valley—that she had come to town, and that her mother was not aware of her situation—that she had come with the assumed purpose of spending some time with two friends in this city—that she was to return and spend some time with them when it was all over—that she had communed with Nixon on the subject of her pregnancy—that she had been put under Chauncey's care by Nixon—that she was between 21 and 22 years of age, and between the fourth and

fifth months of her pregnancy; I asked her if she was willing to go to Chauncey's house, and said we were going to take her; she said, well; I told her we would send for her mother, if she wished to see her; she said yes; she said the Doctor had given her medicine, which had made her sick and vomit—that she vomited very much in the carriage, and the medicine he had given her had set her bowels on fire; she called on me repeatedly to relieve her, and once said, cut me open; she frequently told me not to leave her, and then asked me if I wouldn't come and see her; death is not often accompanied with the agonies which this girl suffered; I saw no want of attention on the part of Dr. Chauncey; she didn't say when she had been delivered of the child; she didn't say that she took medicines herself in Manayunk; I did not hear Dr. Armstrong referred to alluded to in any way; when Chauncey said he would see Nixon at 12 o'clock, it was in answer to a question put by me; he said something like a placenta had come away from her; I think he told me how he came to stop at Mrs. Hubbard's; I think he said he brought her there because it was a quieter place; I understood he removed her for her comfort; when Chauncey spoke of Nixon as a person who knew the family, and with whom he might send out a communication, he said it was usual for him to come in every week; I asked who the father of the child was; she spoke of no improper connection with Nixon; she told me Charles Corman, with distinctness; from what she told me, I was under the impression that Nixon was the friend in the case, who had helped her in her difficulty.

Hercules Chambers, affirmed.—I was in October last employed by Dr. Chauncey to remove a sick person; my stand then was at the corner of Ninth and Market streets; Chauncey came up and asked me if I could assist in carrying of a sick man; I said yes; he asked me if I had any one else; I got four men and got the settee in Market street, near Tenth; Chauncey took us there; he took us from that down Eleventh street, below Pine, below the Freemason Lodge; when we got there he stopped us, and he went in and made preparations to remove the lady; he then called us in, and he and another man brought her down and fixed her on the settee; we started with it and carried it up Eleventh to Chesnut, down Chesnut to Tenth, down Tenth to Filbert, and down Filbert towards Ninth to No. 50; the lady seemed very ill; the last time I heard her speak was between George and Chesnut streets, and she said ain't we almost there; this was, I think, between 12 and 1 o'clock; as soon as we got in the entry of the house, in Eleventh street, we heard a groan, and found it was a woman; Dr. Chauncey settled with me like a gentleman—he gave me 50 cents for my part; Chauncey said he wanted me to go down in the afternoon and take the things which had been around the lady back to the house in Eleventh street; Mrs. Hubbard got me a bonnet, frock and some other articles to take back to Mr. Chauncey, as belonging to the lady; it must have been somewhere near 1 o'clock when we got the lady to Chauncey's house.

Thomas Drake, sworn.—I now reside in South street, near Schuylkill; I moved to Philadelphia or the 11th inst; moved from Manayunk; my family was somewhat acquainted with Eliza Sowers; Mrs. Lafferty resides with me; she knew her; Eliza Sowers never has been at our house in Philadelphia; Miss Lafferty has lived with us ever since we lived in Philadelphia, excepting five days, when we first moved in.

THURSDAY, January 10, 1839.

Thos. Drake, cross-examined.—I am a manufacturer; I am seldom away from home; persons might visit my house without my knowing it; I have no personal acquaintance with Nixon; never heard any thing disrespectful of Nixon for seven years that I resided in Manayunk.

Charles Corman, sworn.—The Attorney General being asked what he intended to prove by this witness, stated that he intended to prove that he was not the father of the child. The defence objected to

this, and it was brought before the court for decision. The court ruled that his testimony could be admitted.

I knew Eliza Sowers about two years and six months; I was engaged to be married to her; the engagement was formed about one year before her death, and I was to be married to her this January; I had rented a small place to occupy in the spring; it was in Blockley, about one mile from Manayunk; within the last five months I never had expressed intentions to leave this State; I had a contract on the Reading railroad, and finished it about the 1st of August; didn't hear of Eliza's death until the Sunday evening before her burial; I was in Manayunk when I heard of it; I had no suspicion of her being pregnant; during my engagement, about 4 months before her death, and when she went to Nixon's, coolness took place on her side; every time I saw her, I pressed her for an explanation, and she would never satisfy me; once when I asked her, she said if I knew what she knew, I wouldn't ask her; more than that I couldn't get out of her; the last night I saw her at her mother's, she was very cool; (this was about three weeks before her death, on Saturday evening); she told me she had a notion to go to town to live; it struck me with surprise; I tried to persuade her from it; told her in about three months time we were going to be married.

The defence objected to his stating what had passed between him and Eliza Sowers, and the court ruled that it was not evidence.

I never had any criminal connection at any time with Eliza Sowers; at the time of her death I was ready to carry out my engagement with her; when she died, I lived at Norristown.

Cross-examined.—I generally visited Eliza at her mother's house; I saw her once at my brother's, at Norristown, last spring a year, with a girl named Susan Rambo; I sometimes went on Sundays and sometimes on Saturdays to see her; she never spoke to me about a rumor of my having been engaged to some one else; I never had any difficulty with Eliza about any other woman; I think I visited Eliza last in November; saw her last at her mother's house, 3 or 4 weeks before her death, on Saturday night; think I left about 11 o'clock that night; Susan, Eliza Lafferty, and a Mr. Mills were there then; I was there about half an hour that night before she would come in the room; I never saw her alive after that; I called there the next Sunday evening about seven o'clock, and she was in bed and wouldn't come down to see me; Susan and Mr. Mill's were in the room with us; the others part of the time; I have lived near the Inclined Plane; I did not write to Eliza after I left her at her mother's; I heard of no rumor that I intended to go to New Orleans.

The evidence on behalf of the prosecution here closed.

FRIDAY, January 11, 1839.

Court convened at 10 o'clock, A. M.

J. R. Heart, Esq., opened for the defence; this morning, in a few brief but good remarks. Mr. H., though young in years, to say the least is an able lawyer.

The witnesses were then called up and examined on the part of the defence, as follows:

Hannah Bersley, affirmed.—I was acquainted with Eliza Sowers; I knew her when she worked at Nixon's mill; she left the mill on the 23d of April, 1838; Mr. Nixon is superintendent of it; when she left there, she told me she went to Lawrenceville; she staid in Lawrenceville one week; don't know how far up country it is, she didn't tell me; after she returned, she went to Buddy's to live; she staid there two weeks; Mrs. Nixon sent for her the 2d week she was at Buddy's; she came up to Nixon's on Friday, the 11th of May; she then engaged to come and live with Mrs. Nixon; she came to live with her on the 21st of May; I lived at Mrs. Nixon's at that time; the first week she lived there, she complained of giddiness in her head, and said she took magnesia the week before and was now taking it; I saw her have the magnesia; she said she took it every morning the week before; she was not sick

with any thing else that I know of, at that time; she said she was not regular; this was on the third Saturday after she came to Nixon's: I next heard her complain of a pain in her head, breast and back, in July: she was not regular: one evening she complained: Mr. Nixon was indisposed the same evening, and was taking Dr. Chauncey's medicine: Eliza Sowers then told before me, Mr. Nixon and Mrs. Nixon that she had the dyspepsia; she described her feelings again, pain in the head pressure on the breast and pain between the shoulders, and Mr. Nixon told her she'd better go to Dr. Chauncey's and get some of his medicine, and he told her that I (witness) had been to Chauncey's, and had got a liniment there, and that I had been afflicted in the head and got it to bathe myself Eliza and I went to bed, and she told me she'd go to Chauncey's and get some of his liniment, and I advised her to go, because she had stated the way she was, and had taken cold and was not regular; she said she had gone in bathing in a tub of water; I said again she'd better go to Chauncey's, for I had been there for my sister, who had been in a delicate state for three years; Eliza said she intended to go; I told her the first time I went with my sister I brought the medicine home with me from Chauncey's, and the second time I went Chauncey said he'd like to see my sister, and told me to bring her in, and if she had no friends in town, she could lodge with him for 2 or 3 weeks; I told her my sister didn't go, for the medicine I brought had the desired effect; my sister had taken cold and complained of weakness and irregularity; that was the last of our conversation on that subject. In the last of July she said she wasn't well, asked me for pennyroyal tea and I made it for her; she took this tea warm when going to bed; I then had no conversation with her till August; she went home on the 12th of August, and was at home three weeks; she then came back to Nixon's on a Tuesday, and that afternoon I saw her for the first time since she had gone home; I asked her if she was getting well; she said she was better, excepting her head, that she still had a pain in her head, and told me without my asking her, that she had sent for Dr. Conray, and that he bled her; I asked her what kind of medicine she took; she said the last she had taken were drops; I asked her how many she had taken; she said she had taken 1½ bottles; she said she gave \$1 per bottle for it, but didn't say where she got it; I asked her if the drops helped her; she said they had the desired effect, (related to her being regular.) I then told her if the drops helped her she should continue taking them; she said she would. After she came back she staid two weeks at Mrs. Nixon's: I had no conversation with her from that time until the Saturday before she went away from Nixon's: I was not there in the mean time: Eliza went home on the 15th of September: I saw her once the next week after she had left, but had no conversation with her: I never saw her afterwards. During the time she and I lived at Nixon's, I never saw any thing improper or unusual between her and Mr. Nixon: he treated all the family alike: I slept with Eliza myself: I slept with her every night, except those when she went home: she usually went home on Saturday or Sunday night: she has been at home both these nights: she generally went home on Saturday night, every two weeks: she told me Charles Cornman was there on those nights: she told me in July that she was to be married in two weeks to Charles Cornman: she told me on the last Sunday in July, that Charles Cornman was going West; she did not tell me at that time anything further about him: within those two weeks the reports came out about Charles Cornman.

The Attorney General here objected to the witness stating the nature of these reports, as stated by Eliza Sowers. The Court sustained the objection. David Paul Brown, Esq. then offered it in another shape. He proposed that it be admitted on the ground that it was rebutting evidence to the testimony of Charles Cornman, with reference to his being the father of the child; but the Court overruled the objection.

Cross-examination proceeded.—I worked part of the time at Eckstein's mill while Eliza Sowers worked there: saw no impropriety from Nixon towards Eliza or any other girl while there: I never knew of Nixon's requiring any of the girls to kiss him before they left the mill: Susan Rambo worked there when Eliza did: the girls were paid in proportion to what they done: some done more than others: some are paid for what they do, some by the day, and some by the week: know in one room some girls earned \$4 per week: that was in the room where the machines are: Eliza never worked in that room: Susan Rambo did not neither: we also gave receipts: there is a receipt book, and as you are paid you put your name down—(a book was here shown witness)—that's the book: I never heard Eliza say what she received: I can't say how long I worked in the mill, I worked at different times: since I first began to work there it is two years and six months: Eliza worked there between two and three years: did not work in the same room with her: Miss Rambo did: I never saw her paid: they were all paid in one room at the same time: I don't know that Nixon has ceased being superintendent: I work there now: Mr. Insign has charge of the mill now: Nixon is there sometimes: don't know he has any connection with it: has one of his own going on two years: Mr. Insign came in April: at the time of Eliza's death, Nixon had the superintendence; I don't know that he paid after that; after that he was in and about the mill as usual; he was there till his arrest; I lived in the house adjoining him two years and six months; I lived in his house for the most part of two years; Eliza left the mill because the work she was employed at was stopped, and the choice given the girls to wait until the calendars would go in operation or go into another room; they all went in another room but Eliza; never had any conversation with Susan Sowers; Nixon's deportment was respectful to all who were in his employ; saw no manifestations of preference on his part towards Eliza Sowers.

Court convened at 3 o'clock, P. M.
When she returned from her mother's, after going away on the last Saturday in July, it was on a Sunday morning early; she came in my room before I was up; she went to the window—turned again, and was bathed in tears—she wept for some time, and then went down stairs; in the afternoon I saw her still weeping—(this was after she'd spoken of her intended marriage); I never heard her speaking of getting married after that: Eliza never took any liberties with Nixon that I saw, either in the house or in the mill; Mr. Nixon had no family physician; he got his medicine himself at Dr. Chauncey's; for his children, the last physician was Dr. Egbert; when Mrs. Nixon was sick, she'd taken some from Dr. Chauncey and some from a doctor's woman in Market street.

Cross-examined.—Her sister Susan told Eliza, at Buddy's, that Mrs. Nixon wished to see her; Eliza told me; I can tell Eliza left the mill on the 23d of April by the mill book: I saw that book account about three weeks ago; I asked Mr. Nixon to bring the book and show it to me, as I stated the time and wished to be correct; I had mentioned the 23d of April before I saw the book, but wasn't certain; I knew she came to Nixon's on the 11th of May, because I knew how long I had lived there; I know I had been at Nixon's ten weeks on that day; I can't rightly tell what day I (witness) came to Nixon's; I must study a little, but I know she came when I had been ten weeks there; on Sunday morning I went there first; don't recollect the day of the month—the 11th of May came on Friday; I knew Eliza came to Nixon's on the 21st of May, because I commenced boarding at my sister's, in the house adjoining, on that day; I boarded at my sister's, but staid at nights at Mr. Nixon's, from the 21st of May to the 29th of July; during that time, I slept every night, one excepted, at Nixon's: I then always slept with Eliza, except when she went home; Mr. Nixon's little girl slept with us; I said Eliza went home on the 12th of August, because the 12th came on Sunday; she had scalded her feet on Saturday,

and went home on Sunday; I was sick at that time and knew the day of the month—know the time from Dr. Egbert's attending me; I didn't mention this morning that he attended me; I was away five weeks from Nixon's; Eliza scalded her feet while I was sick; after Eliza had scalded her feet, she went home and staid three weeks—came back and staid two weeks—went home on Saturday and I again went to Nixon's on Sunday; I was at my sister's in the house adjoining, when I was sick; I now reside at Nixon's; when sick, I slept at home; I have again this last time resided at Nixon's before Eliza's death, and have ever since; when I got the liniment from Chauncey, he lived where he does now; before Eliza died, I never saw Dr. Chauncey at Nixon's house; Dr. Egbert attended the children; I got the pennyroyal, of which I made the tea, at my sister's; her name is Leah Jones; I never saw Chauncey at Nixon's—not after Eliza's death; I heard Chauncey had been there on the day of Eliza's death, but did not see him; Nixon asked me if I knew the date when Eliza left the mill; I told him the 23d of April, but wasn't positive, and wished him to show me the account, to see if I was right; the work last done by Eliza was in the book; this was at his house; I and Susan Rambo did not work in the same room; never had any other conversation about this with Nixon; he asked me concerning this case and what I knew; he asked me if I recollected the evening when I took the medicine which Chauncey gave him; I said yes; Dr. Egbert attended Mrs. Nixon before she took Chauncey's medicine; Dr. Stanvard attended Mrs. Nixon in her confinement; Nixon never asked me if I could fix any of the dates that I have spoken of; the body of Eliza was brought from town by Messrs. Nixon and Budd,—(here a book was shown witness)—this is the receipt book upon which we settled; I can write; I never wrote my name in this book—I have written my name in it sometime back, and sometimes it was written for me; the book was brought to me, and sometimes I would write my name and sometimes make my mark; the girls generally would make their marks.

The mill book was then offered in evidence to rebut the evidence of one of the witnesses, produced on the part of the Commonwealth. It was objected to by the Attorney General, on the ground that none of the handwriting in it had been proved.

Recorder Rush, sworn.—The original hearing of this case took place before me, in my capacity of Recorder; the examination occupied almost a week; I thought it was an uncommon full examination; a young woman, Miss Sowers, was examined before me; don't recollect if she was examined more than once; in the course of it, I don't recollect she stated that Nixon had insisted on her sister Eliza's or Miss Rambo's kissing him before leaving the mill; don't recollect that she stated that Nixon said he guessed she wouldn't find out much; don't recollect that she stated that when she visited Dr. Chauncey, in town, that he pretended to wipe his eyes, nor any thing of his crying at her mother's house; don't recollect of Isaac Sowers' stating that Nixon said he guessed she wouldn't find out much; I have a general impression that something was said by Chauncey about Nixon's carrying him to the place, (Sowers' house;) Mrs. Kinsley was examined twice before me; she said nothing about having seen a knitting needle at any time; she mentioned she had told it to several neighbors; she did not mention about the Doctor's saying to her that she must put Eliza's dirty clothes in the cellar, in a tub of water, and let nobody see them; don't remember of her saying that once, when Chauncey came there, and she asked how Eliza was, he said 'drot her, we've had enough trouble about her; she used the word Dixon first, and Gibson afterwards; when the Attorney

General asked her if it was Nixon, she said yes; Cornman was examined before me; I'm not aware he said any thing about what time he left Eliza the last time.

Cross-examined.—I have read to-day some of the notes of Mrs. Kinsley's testimony; I found more testimony than had been delivered before me, but I found no contradictions.

The following witnesses were called to prove the character of Nixon.—Francis Murphy, Esq., Dr. Egbert, and Dr. J. A. Stannard, who was applied to to disinter the body of Eliza Sowers, about the 17th of October, by Mr. Nixon himself, on the Wednesday following the burial; this witness then continued as follows, on being cross-examined: He said to me at Mr. Quinton's that a report was in circulation which was very unpleasant to him; that it had been said the young lady had been buried at the same time she was pregnant, and he had been mentioned as being the father of the child; he asked me if it were possible, if she was disinterred, that it could be told whether she had been so; I said it could; he then said, would you do this, if it became necessary; I said I would not rely upon my own judgment, but would speak to my friend, Dr. Betton, of Germantown, and that I did not doubt he would attend to it; I also said that Dr. Paul Dart could; Nixon appeared anxious to have it done, and said he would wait on the family, and would let me know, but in the mean time I should make the arrangements; I told him I would see Dr. Betton that day, and would speak to him; Nixon appeared very much pleased at this, and he left me. Mr. Nixon took sick next day, and I didn't see him again until after the body had been disinterred; I have attended the family; I think it was 2 o'clock when I saw Nixon.

Mary Patterson, sworn.—I knew Eliza Sowers; I knew her for better than a year; I was acquainted with her when she went to live at Nixon's; at that time she complained of a pain in her head and bones, and said she'd not been unwell for one month before; she complained to me several times the same week of the same feeling; saw her again on the 9th of June, and she still complained of the same feeling, and said she'd not been unwell since she'd seen me; she said she intended taking a dose of calomel; I saw her on the next day, the 10th of June; she then complained of feeling very sick that day; I then saw her again on the 7th of August; I staid at Nixon's that night; she told me she'd bathe her feet, and drink some herb tea, and told me, she'd not been unwell ever since she'd been at Nixon's, or for a month before; I saw her bathe her feet; make the tea and drink; don't know what kind of tea it was; she said she intended to take a dose of salts the next morning; I asked her the next morning how she felt; she said, very bad, and she always felt very bad in the morning; she said, she had taken the salts; that was the last time I saw her; she told me, she thought if she'd take the tea, it would bring her returns on; never spoke about taking other medicine; I now live at the Falls of Schuylkill; but then lived next door to Nixon's; had opportunity of seeing her intercourse with the family; I never saw Nixon treat her more than a friend about the house; his conduct was respectful; he did not show undue partiality for her; I never saw her treat him any more than the man of the

house; I was never employed at Eckstein's mill; Hannah Bersley was also employed at Nixon's. This witness also proved Nixon's character.

Cross-examined.—I know it was the 21st of May, because I transacted some business on the Westchester road; I entered this in a mill book, at Rigley's mill, 2 miles the other side of Market street bridge; I know it was the 9th of June; I saw her again, because I settled at Solme's mill that day, and gave a receipt; I knew I saw her again on the 7th of August, because I settled up at Rigley's mill, and went to Manayunk on that day; I had no conversation with Nixon about this till I was subpoenaed; I had a previous conversation with Mrs. Nixon; I moved to the Falls on the 22d of July.

George Shields, sworn.—I've been acquainted 7, 8 or 10 years with Mr. Nixon; his character, as a moral man, stood very fair with us; don't know that I ever heard any thing against him.

Samuel Eckstein, sworn.—I am the proprietor of a paper mill in Manayunk; have known Nixon 10 or 11 years; he has been employed nearly all that time, was superintendent for 3 or 4 years, and was so till arrested; he has had an eye to my mill ever since; I think Susan Sowers was employed there; I have never known Nixon do an immoral act since I've known him; I should say his character stood A No. 1; I never discharged him, would, from his reputation, continue him in my service; this (looking at a book) is my mill book.

Susan Rambo, sworn.—I was acquainted with Eliza Sowers, have known her better than 20 years; I knew her when she went to live at Nixon's; the week before she went to live there, she complained to me of not feeling well; she told me that she was doctoring with Dr. Conray, that she went to him and wished him to bleed her, but he didn't at that time, but gave her magnesia to take every morning; she said, she was doctoring for a giddiness in her head; didn't tell me the cause of it; her mother was by at the time, and her mother said, she didn't know what was the matter with Eliza; this was in May; I sometimes visited Eliza when she was at Nixon's; Mr. Nixon was sometimes home when I did; I saw no familiarity between them; Eliza was a confidential friend of mine; she never mentioned to me that Nixon, at any time, had been improperly familiar with her; she never complained of any indecorum on his part; she never appeared to use any freedom towards him; I now and then did work at Eckstein's mill; Susan Sowers works there now, she has worked there about 3 years; Eliza worked there while I was employed in the mill; we worked together at the same calendar; I know nothing about Mr. Nixon's requiring me and Eliza Sowers to kiss him before we left the mill; I never knew of his kissing Eliza; I never in the mill observed any improper familiarity between him and Eliza; he showed no preference to her; the hands at the mill are paid in proportion to their work; I can't tell what the rest got, but I got \$3 a week; we worked in the evenings till 8 or 9 o'clock, and we got paid for that; don't know of Eliza's getting \$4 a week; she told me she got \$3 per week; the hands, on being paid, give receipts every time they get paid; they are paid every month; (book shown witness) this is the book in which we give receipts; I never wrote my name in it, but I made my cross; I can write, it is usual for those who can write to make a cross; I have seen Eliza Sowers make her cross in this book; I know Charles Cornman; I know of an engagement having subsisted between him and Eliza; she told me so last winter; I don't know of any difference between them; she told me they were to be married in the spring; I know he visited her mother's house; when she lived at Nixon's, she told me he visited there; I never saw him at her mother's house; heard Susan say, he visited there 3 weeks from the time she was brought home a corpse; she spoke to me about Cornman while she lived at Nixon's; it was in July last she talked to me about him; I knew of a difference between her and Cornman; I heard it from Eliza in July last, in Mr. Randall's house, where I lived; she was in grief at that time; I never spoke to Susan about what Eliza said.

David Paul Brown proposed to ask what Eliza had said to witness. The Attorney General objected and the court overruled it.

I have no knowledge from any of Eliza's sisters what she was grieving about; I never told them or their brother what she told me; I never saw her in grief at any other time; it was I think after the 4th of July; I hadn't seen Cornman about that time; when we are settled with at the mill, we are not paid all together; one don't know what the other receives; the book is open for their examination; I've lived about 5 years in Manayunk and known Nixon all that time; they spoke very well of him; never heard any thing against him before this affair; I never received \$4 per week, my overwork didn't amount to more than 50 cents a week; never heard Eliza say what medicine she intended to take; all the girls in the same room worked nightwork.

Court convened at 10 o'clock A. M.

Saturday morning, Dec. 12, 1838.

Charles B. Smith, affirmed.—I reside at the S. E. corner of Third and Noble; have been at Manayunk and know Mr. Nixon; I am a grocer; I know on Wednesday morning, third of October Nixon brought a load of paper to my store, between 11 and 12 o'clock, A. M.; he came with it; he came in a wagon, alone; I never knew him to bring paper in the afternoon; I dine at noon; I have a charge in this book (producing his book of original entry) and a credit; the memorandum is dated October 3d, debtor to some soap and creditor to some wrapping paper, it was entered on that day; I've known Nixon 5 years; his character is good; the paper was a considerable load for one horse and I suppose it would take the best part of two hours to come in from Manayunk.

Cross examined.—Don't recollect when I had seen Nixon before, think I saw him on the 2d in town, (the day before); the subsequent entries of Nixon's are October 8th; 11th; 13th; 26th; and November 10th; he was in the habit of getting his groceries from me; this paper was given on account of goods; I had sent him with 50 reams to Raiser & Remby's, which were left on that day; Nixon was the only person in the wagon; he drove.

Wm. J. Raiser, sworn.—Have not been in court during the examination of the witnesses; am acquainted with Nixon and have been to Manayunk; on the morning of the 3d of October he delivered me a lot of paper, sold by Mr. Smith; he was at my store as near as I can recollect between 11 and half past 11 o'clock; he delivered

me 50 reams, a full load, and brought it in a one horse dearborn; I should suppose it would take him 1½ hours to come in from Manayunk; I have known Nixon about 5 years, and never heard anything against his character; he delivered no other paper during that month, my books will show it; I think he did after the 3d of October. (The Attorney General here requested witness to bring his books into court at once.)

Joseph Robeson, affirmed.—I am acquainted with Nixon, and have known him between 13 and 14 years; his character during that time was very good; two years he was an apprentice to me; I carry on a mill near Darby; I have known Dr. Chauncey for 4 or 5 years; never heard anything against him; he has been my physician, and appeared to be a competent and skillful man; he never visited me but once out there, (meaning Darby.) I think I mentioned Dr. Chauncey's name to Nixon myself once or twice; Chauncey attended me in Magnolia street.

Cross-examined.—I have no family, only a housekeeper; Chauncey did not personally attend the families I spoke of; I always understood from Dr. Chauncey that he was a botanical physician and opposed to Thomesians.

Joseph Randall, affirmed.—I live in Rocksborough 9 miles from here; I'm acquainted with Nixon, have been between 10 and 12 years; he always bore a first rate character; I have made repairs at Nixon's own mill; I did some work for him in the month of October; it was in the beginning of the month; I heard of the death of Eliza Sowers, on the Monday of her funeral, and just about that time had a couple hands employed at Nixon's mill; I had been frequently at his house about that time; I was at his house on Wednesday after the funeral, and he told me he had a fever on him and was sick; he looked sick; I think my hands had finished at his mill the day before, (Tuesday).

Cross-examined.—I made entry of the work I did for Nixon, on my books; (Attorney General requested him to bring in his books;) I've been a great deal about Eckstein's mill and never saw any thing improper on his part towards the girls.

Jonathan Tyson, sworn.—I'm acquainted with Nixon; I live at mill creek, at the mill which he there conducts; I heard of the death of Eliza Sowers first, on the Sunday after her death; Mr. Nixon, on the Tuesday after her death, was at mill creek, at the mill, which was undergoing repairs, (October 16th;) I was there; I saw him there between 11 and 12 o'clock; when I came there he was in his working clothes; I can't say positively, but I don't think he had been to town; I remained till some time in the afternoon and left him there; he told me he was unwell and felt as if he had the chills; he didn't look as if he were well; he was lying down in the mill when I left; I left perhaps at 3 o'clock or pretty well on to it; I have known Nixon from 15 to 20 years and never heard any thing against his character, and have had opportunities to hear, was apprentice with him where he was; I've heard him well spoken of; I've been in Eckstein's mill when he was superintendent of it, and never saw any thing but what was reasonable and right.

Cross-examined.—There were no mill-wrights at work at the mill that day; they were putting a face on the cylinder that day; it was being prepared; Nixon and Wm. Furry were putting

the face on it; I've known Dr. Chauncey about 2 years; I never heard any thing against him. (Mr. Raiser's book was here produced, containing the following entries: October 3d; 5th; 8th; 13th; 20th; and 26th.)

Thomas Nixon, sworn.—I'm a brother to the defendant; I knew Eliza Sowers; I do not board or live with my brother; I frequently visit at his house and have done so; I live near the Post-office in Manayunk; I was there frequently when Eliza was there; Miss Hannah Barsley was there; I never saw any thing improper between my brother and Eliza; my brother is affectionate towards his wife; I recollect hearing of the death of Eliza; heard it on the Saturday she was brought out a corpse; on the Tuesday after her death my brother was at mill creek; he passed my shop between 7, 8, and 9 o'clock in morning; this mill is about 1½ miles above Manayunk; he stopped as he went up and went down, about 4 o'clock in the afternoon and complained of being very sick; he went on foot; he took his dinner with him and brought it nearly all back; I was at his house that night about quarter past 7 o'clock; I asked where he was, and was told in bed, because he was sick; he looked sick when he was at my shop; he was not at that time subject to the fever and ague; but he thought it was coming on him on that day; I've been at my brother's house frequently when Eliza was complaining; in the month of July I was sick and stopped there and she complained in the same way; my brother recommended me and Miss Sowers to Chauncey, but I had Dr. Stannard; I've heard my brother speak of Chauncey about 18 months, or 1 year; I first heard of this rumor between my brother and Eliza Sowers on Saturday evening, the night of her death; my wife told me first and said my brother and Buddy had gone in for her, and that might be the reason; I understood when Chauncey came out on Saturday, he first inquired at my mother's where William lived.

Joseph Ripka, sworn.—I've been acquainted with William Nixon for 6 or 7 years; I always heard people speak of him as being a man of good morals and behavior; I was a close neighbor to the family; I have mills of my own going there, and employ between four and five hundred persons. I was on the jury, and summoned to attend here.

John Jones, sworn.—I'm acquainted with Nixon, and have known him upwards of 12 or 13 years; his character, as far as I know, has always been very good; I'm extensively acquainted in Manayunk; I follow paper making, and work at Eckstein's mill; his conduct at the mill towards the hands in his employ was proper; I never observed any thing improper; I worked under him (on the 24th of May next will be) 3 years; I work in the finishing room; the hands are paid off in it; (here a book was shown to witness.) I know that book; it is our book; saw Eliza Sowers receive money; never saw any partiality on the part of Nixon towards Eliza; I never heard of this rumor between Eliza Sowers and Mr. Nixon until the day of her burial; Mr. Insign told me.

Samuel Smith, sworn.—I'm acquainted with Nixon; have known him for the last 3 years; as far as I know, during that time his character has been that of a respectable man, and he generally bore that character through the whole neighbor-

hood; I worked in the finishing room at Eckstein's mill; there are girls in it, and I always saw that he treated them all alike, and showed no preference; I have worked in the next room, in which Eliza Sowers worked, and never saw him prefer her; I have a couple of daughters at work in the mill, and would be satisfied to leave them work now under Nixon.

Charles Tibbin, sworn.—I've known Nixon for five years; I reside about a mile from the mill in which he was superintendent; his character was always good; I am a carpenter, and have worked at Eckstein's mill.

Elizabeth Hubbard, called by the defence for cross-examination.—Eliza told me she'd taken the oil of pennyroyal; Chauncey was present; this was on Friday; she also said the oil of tansey; she said she took it before she came from Manayunk; she didn't say what for, but said it made her very sick before she came away from home; she said it made her feel very bad; she then found no fault with Dr. Chauncey; she asked him if she couldn't get another doctor, and he said yes; she said she took a bottle of the oil of tansey and one and a quarter bottles of pennyroyal, as long as her finger; I didn't state this before, because I thought I dare not tell it; I was told I need not tell this by you, (meaning Mr. Reed), in the Mayor's office, down stairs, privately; she said she had no blame to find with Dr. Chauncey; I was not put in prison; was confined only one night in the watchhouse, as a witness in this case; in the same conversation, her clothing was spoken of; she said the bedgown belonged to a woman down town, and I should give it to the Doctor; she said she had taken cold down there; her room was damp, had no fire in it; that she got cold tea down there, and was badly attended to.

Cross-examined.—Since I've been examined last, I've had no conversation with any body connected with this cause; I've been in the room over there (meaning Evans') ever since, with other witnesses; some Manayunk women; they sat by themselves, and I by myself; no one has been at my house about this since; I was in the room this morning in which were five or six women.

The Attorney General here stated that after the defence had closed, he intended to offer himself as a witness, to rebut this statement of this latter witness with regard to himself. The defence stated that they would certainly object to this being done.

Miss Adeline Chauncey, sworn.—I am the daughter of Dr. Chauncey; I live in Filbert st.; I have lived there nearly 3 years; my mother is living; there are 7 children in our family; I am the eldest; during those 3 years he has followed the practice of physic, and I presume for 10 years. I don't think it's the Thomsonian practice; there is no bathing establishment; I saw Eliza Sowers first on Wednesday afternoon, the third of October, about or near 4 o'clock, at my father's house; I took her in the office; she asked me if the Dr. was in, I said yes; I sat down in an opposite room, there was a small entry between the rooms but the doors are opposite each other, and were both open; I sat down to finish a letter; I heard some conversation between my father and her; I do not know what it was, for I paid no attention; my father came towards the door, saying whatever is done in this matter had better be

done speedily; he said be patient, I'll return in an hour or so; he went out a few minutes; after he left she came to the door and asked me to accompany her to the yard; she appeared healthy, but she said she felt bad, and complained of severe pains in the lower part of the stomach and back; I accompanied her; I saw a towel which had been fastened to her by a bandage round the waist; it was very much soiled; she said she came unwell that morning, and had felt those pains since 10 o'clock in the morning, and it was with extreme difficulty she could hide them from her family; we returned to the office in about ten minutes; in about half an hour went to the yard alone; soon after she returned from the yard the second time, my father came in and asked her if she felt able to take a walk; she said I feel better, and her and papa went out; he said he'd show her to the place; I told my mother this, but not until Eliza's sister and an elderly lady had been there; the bandage was restored in the yard; she said she hadn't told papa all that ailed her; she didn't tell me not to tell; she said she was afraid papa would tell it to her family; I asked if he knew what was the matter with her, and she said she didn't tell him all.

While we were in the yard, I saw a small bottle which she took from her bosom, and throwing it in the vault, said, I've been taking this stuff for two months; I think the color was red, and a small quantity; she didn't say where she got it; I inferred from her conduct that she should have been in bed; it was about half past 5 when she left with my father; I did not see her again until Saturday evening; about 10 days after, she was dead; I was not home when she returned; I had been out, and returned about 8 o'clock; my father was not home, but returned home a few minutes after in a vehicle, which he had hired from Mr. Owen's: the sister of the girl and an elderly lady called at our house on Tuesday after the girl was buried: they said that Eliza Sowers had left home in perfect health: the elderly lady and Susan Sowers came first: I think the old lady's name was Marshall: I and my mother were there, and it was about 12 o'clock: I told my mother all could not have been right with the girl, for although she appeared healthy, she certainly could not have been so: they remained about three quarters of an hour: I was absent from the room a few minutes: my father came in just as they were about going: I did not see my father pretend to wipe his eyes: I was not there when the certificate was brought: I was there when Susan returned with her brothers: I heard none of the conversation when they came in; I left the room, and did not come back; not more than 10 minutes elapsed from the time Susan went out till she came back with her brothers; they didn't remain more than twenty minutes, or half an hour: I know Mr. Nixon by sight: I heard my father say, he had been at our house the day before they were (Monday): I heard him tell my mother so: don't know of his having been there on Tuesday: the brothers returned about 5 o'clock with papa: I heard nothing then: that was the last of my seeing them: I saw Mrs. Kingsley there at my father's once: it was after the brothers had called, the evening previous to my father's arrest: I was in the front parlor: she and my father were there: Mrs. Kingsley said, Doctor, I wish you to give me 8 dollars: her manner first was friendly: she said

she wanted to move in Arch street, and she could not move unless he gave her \$8; father said, Mrs. Kingsley I have already given you \$7. Court convened at 3 o'clock, P. M.

The testimony of Miss Chauncey, continued.—And Eliza has been at your house but 9 days, and you was to have had \$1 per day: Mrs. Kingsley said, I ought to have had \$50 for my trouble: she said, if you don't pay me, I'll make you sorry you ever brought that d—n country prostitute to my house: papa said, Mrs. Kingsley, I shall pay you nothing extra, except \$1 for washing, which will not exceed \$1: she said that she'd make papa sorry he'd ever been born, and went grumbling out the house, slamming the door after her: I saw nothing more of her: she left that night just about dark: I never saw Dr. Armstrong at my father's house during the whole of this: he has been acquainted a number of years with my father: from the time my father was arrested, he was in prison 2 months and a little over, I think: I have never seen a steam establishment about the house.

Cross-examined.—I never saw Mrs. Kingsley before that evening, and never since: it was rather dark, I could not see her: she was not 5 minutes at my father's: she was in the front parlor: don't recollect the conversation I had with Susan Sowers: I had none, and said nothing to her: I did not tell Susan or the elderly lady that Eliza came there on a Friday, and that she was taken so sick, at 7 o'clock, that my father had to stay with her all night: I did not tell her that Eliza, while at our house, got so fond of papa that she wished him to be always with her, and wanted to get out of bed once or twice, but I prevented her: said nothing like this to the elderly lady: I didn't hear my mother tell her so: I'm not aware of Eliza's being sick at my father's house after that Wednesday: don't think I'd know Mrs. Kingsley again if I'd see her: my father called her Mrs. Kingsley: I told my mother about Eliza's having been so unwell after Susan and Mrs. Marshall had been there: told my mother about the bottle Eliza had had at the same time: I told this once to my mother: I took this, what I told, down in writing myself after my father was arrested: I have not the paper now, I burnt it: never showed it to any one; I had no use for it: I had no reason for writing it down; never read it to any one; I have never been examined by any one, and what I said has never been taken down in writing; I am certain of it; I've never been examined without it's being taken down; I recollect now I told a young lady part of what I said; don't recollect what part I told her; hadn't time to tell her all; I hadn't time; I told her very little of it; she asked me if I saw the young girl when she first came to our house, and what I saw or heard; I never talked to my father on the subject, and what I said has never been taken down by my father's counsel; I saw my father in prison every day, Sunday excepted; Dr. Draper was with me a great many times; he was present at our interview; sometimes on those occasions I was with him 20 minutes, sometimes less; then never spoke to him on this subject; my father, mother, nor any of my friends ever asked me to write down what I knew; I was told I would be a witness at the examination before the Judges; Dr. Draper called for me; I made and burnt the statement at home; it didn't occupy a half sheet, and contained all I

said here; I didn't keep it many days; Eliza didn't tell me what ailed her, only that she was in pain and unwell; she didn't tell me she was enciente: never heard my father speak of Mrs. Hubbard: don't know where my father brought her from on Saturday: I was not home on the day she died: don't recollect of any clothes being brought that day: saw some clothes the evening she died, a silk dress, a shawl and a bonnet: don't remember any other: recollect some being given to Susan: don't know what they were: mother said they came from the washerwoman: I was not told until a week or two after Eliza's death that she'd been enciente; I think it was not quite as much as a week: I heard Mrs. Marshall say something to mother about it: I saw Nixon once at our house when he came to take the corpse: I heard father tell mother that Nixon had been there on Monday: I was never examined by any of the counsel in this case: I think Mr. Norris spoke to me about it at his office: by none of the other counsel: I don't think I told Norris all: may have told him part of it; Mr. Norris asked me a few questions, that was all.

George Moyer, sworn.—I have known Nixon some 10 or 12 years: I reside in Roxborough township: he has always been considered a respectable character; am generally acquainted in Manayunk.

Richard Amies, sworn.—I have known Nixon about 18 or 19 years, and have been well acquainted with him 12 or 13 years: his character was always good.

David Ellis, affirmed.—I have known Dr. Armstrong for near 2 years: always believed his character very good.

George W. Davis, affirmed.—I have known Nixon at least five years: I reside in Manayunk: am postmaster: his character is fair.

Silas G. Levering, sworn.—I know Mr. Nixon: I reside now in Roxborough: lived in Manayunk before, and have known Nixon 10 or 15 years: his character was always good: I would confide in him.

Rudolph Sheets, sworn.—I live in lower Manayunk: I know William Nixon: have known him 9 or 10 years: his character has always been good.

Mrs. Margaret Wright, sworn.—I know Mrs. Kingsley, have known her about one year; I've lived there; I recollect a young woman (Eliza Sowers) coming there; I lived in her house at the time, and did so when she left there; I saw Eliza when she came there; she didn't appear well; she appeared in a great deal of pain and walked half double when she came in; she came in the afternoon; don't remember the day and month; Mrs. Kingsley when she was there was sometimes very much intoxicated; so much so, that she could do nothing; I believe it was on a Friday she came; I saw her come with Dr. Chauncey; Mrs. Kingsley received them; on the Saturday after she came, Mrs. K. was very drunk and laid on a settee; I believe she was sober all the morning; though I couldn't well tell when she was sober; I think she had damp clothes put on her while she was in bed; I think Dr. Chauncey paid all the attention he could to her; I saw Eliza too; I never heard him say any thing about the depth of the sink, and about keeping it a secret.

Cross-examined.—I live in Wagner's alley No.

21; Dr. Chauncey brought Eliza to Mrs. Kingsley's; I know him, he attended me at Mrs. Kingsley's when I was sick about the middle of winter: I saw Chauncey when he was sent for: I never after saw him at Mrs. Kingsley's only when he attended a girl about 16 years old; I am married. my husband is living; my husband ran off and I never heard of him since: his name was Charles Wright: my name before marriage was Smith: those are the only names I ever passed by: I knew John Hoffman once: never called myself Mrs. Hoffman, he called me so: I don't know where he is: I guess Chauncey was a dozen times at Mrs. Kingsley's when I was sick: I slept in the 3d story and Mrs. Kingsley slept in the same room: the neighbors used to come in: Mrs. Kingsley's man, Mr. Lacey, came there every night; I think his first name is Turner; I know him pretty well: I never saw Mrs. Kingsley since I left the house; I saw Mr. Chauncey these couple of days; nobody ever asked me about this story before to-day; I do a little of every thing for a living I left Mrs. Kingsley's house 2 or 3 days after Eliza went away: think it was a Monday evening; I never went only in the neighborhood: two or three squares round is what I call the neighborhood; a gentleman called to see me once: I don't see him here now: he asked me if I had lived at Mrs. Kingsley's; I said yes; I don't know his name: never heard the name of the first gentleman who called; I saw Dr. Draper and had a slight conversation with him: another called about 2 days ago, he brought me here: I was only asked what I knew about the circumstances: Mrs. Kingsley had been in the habit of getting drunk ever since I knew her; I believe Dr. Chauncey never knew of her getting so: she was sober when Eliza came: when Chauncey came there on Saturday he saw her on the settee; Mrs. Kingsley never told me what was the matter with Eliza: she told me she thought Eliza had a child before she came to her house: they didn't tell me what I was to say here, or what I was not to say: Chauncey took Eliza away on account of the noise: when Mrs. Kingsley was intoxicated she used bad language: when Eliza went away, her clothes were in a tub and standing in the room, I believe.

Mrs. Mary Lacey, sworn.—I know Mrs. Kingsley, I have known her by reputation five years on New Year's day; her general character is very bad; I wouldn't take her oath; I know of her having been confined in the debtor's apartment; she broke out of it; the keeper knows all about it; I am the wife of Return Lacey; he is 52 years of age.

Dr. Thomas Gegan, sworn.—I live at the corner of 9th and South sts., and am a druggist. Dr. Chauncey called on me and purchased a catheter, sometime in the fall; (one was here shown witness;) this is like it: I can't fix the time; don't know when he attended at the time.

Mrs. Eleanor Shay, sworn.—I am acquainted with Mrs. Kingsley; I lived in her neighbourhood between five and six months; and as long as I lived there, I don't believe she drew a sober breath; I don't believe there's another like her in the United States; she swears, blasphemes, and gets drunk; from her general character I would not believe her on her oath; I moved away from that neighbourhood.

Mrs. Eliza Groves, sworn.—I know Mrs. Kingsley, have known her two or three years; I believe her to be an intemperate woman; I shouldn't believe every thing she'd say; people don't speak well of her; I don't know that I'd believe her on the oath; I've lived in her neighbourhood.

John Finn, sworn.—I have known Dr. Chauncey for perhaps six or eight years; I have never heard anything against his character before this circumstance.

Edwin H. Coates, affirmed.—I have known Dr. Chauncey about four years; I have never heard anything against his character; I would confide in him; he attended my father's family.

Augustin Ludington, sworn.—I have known Dr. Chauncey for about ten years; he has been our principal physician for the last eight years; we have found him skillful; I have consulted him not two days since; I never heard anything against his character, and would confide in him. I have known Dr. Armstrong nearly as long as Chauncey; I have never heard anything against his character, and would confide in him.

Isaac Bellangy, affirmed.—I have known Dr. Chauncey about seven years; I never heard anything against his character; I know Dr. Armstrong, by reputation he enjoys a good character.

Dr. Alexander C. Draper, sworn.—I have known Dr. Chauncey about three or four years; I believe his skill as a botanical Physician is great; he is not a Thompsonian; his character is unimpeachable; I know Dr. Armstrong; his character is very good; I consider Chauncey a competent Physician according to the system he pursues. His attainments are of a higher order, than we generally meet with in that class of Physicians. He is a good Classical, Latin and Greek scholar.

Dr. Samuel Ross, affirmed.—I have known Dr. Armstrong about five years; his general character is as good as anybody's I know; I would confide in him.

Charles C. Chapman, sworn.—I have known Dr. Armstrong about one year; his general character is good.

Joseph S. Brewster, sworn.—I am a member of the bar; I have known Dr. Armstrong between four and five years; his character is unimpeachable.

J. S. Tennary, sworn.—I have known Dr. Armstrong about seven years; his character is unimpeachable.

Mordecai Taylor, affirmed.—I am a member of the bar; I have known Dr. Armstrong between two and three years; his character is good.

Joshua Johnson, affirmed.—I have known Dr. Armstrong about one year; his general character is very good.

Benjamin Buckman, sworn.—I have known Dr. Armstrong for about eight years; his character is good, first rate; I would trust my life with him; I have known Chauncey about seven years; never heard his character questioned.

Rev. Thomas G. Allen, sworn.—I am a Missionary in the County of Philadelphia; I have known Dr. Armstrong about eight years; I always had full confidence in him as a man and Christian.

Richard E. Welsh, affirmed.—I have known Dr. Armstrong nine or ten years; his character stands fair, never heard it questioned.

Henry Manderfield, Esq., sworn.—I know Mary Kingsley; I have known her about one year and 18 months; her general character is, that she's considered a girl on the town; her morals are of the worst kind; from her reputation I would not say whether I'd believe her on her oath.

I know Mrs. Shay, an elderly woman; don't know anything about her; she appears to be an industrious woman.

John Simpson, affirmed.—I am a minister of the gospel; I have known Dr. Armstrong about seven or eight years; I never heard anything against his character.

Charles Hollingshead, affirmed.—I have known Dr. Chauncey about 15 or 20 years; his character is very fair; I should have full confidence in him; I have known Dr. Armstrong nine or ten years; I believe his character is good.

George W. Twibill, sworn.—I have known Dr. Armstrong about four or five years; his character is good; I would have full confidence in him.

Jacob Carraghan, affirmed.—I have known Dr. Armstrong about eight or ten years; I have never heard anything alleged against him; I've known Dr. Chauncey about eight or ten years; his character is good.

Joseph E. Erwin, sworn.—I have known Dr. Armstrong about ten years; his character is very fair; I would rely upon him.

Mrs. J. R. Burn, affirmed.—I have been acquainted

with Dr. Chauncey for several years; he has attended me as a Physician; his general character as a moral and skilful man is good; he is my family Physician going on seven years; I have every confidence in him now.

Miss Josephine Hoff, affirmed.—I know Dr. Chauncey; he has attended me frequently for six years; his character is good; I have every confidence in him.

Joseph Calhoun, sworn.—I have been acquainted with Mary Kinsley, I can't say that I know anything great of her; people say she is not as steady a woman as she might be, her morals are not very good, I should not like to believe her on her oath. I would not select her for the nurse of a respectable person.

Wm. P. Reider, affirmed.—I have known Dr. Chauncey between 5 and 6 years, his general character is good, he is remarkably skilful. I have known Dr. Armstrong about one year, so far as I know him his character is good.

John M. Stewart, affirmed.—I have known Dr. Armstrong more than 8 years, his character is unimpeachable as a man and a christian.

Gersham Croft, affirmed.—I have known Dr. Chauncey for a number of years. His general character is very good. I've known Dr. Armstrong for more than 5 years, he is much respected.

Eli Garret, sworn.—I have known Dr. Chauncey about 5 years, his reputation is good. I have known Dr. Armstrong about 2 months personally, and 8 years by reputation, which is good.

Paul Moody, sworn.—I have known Dr. Armstrong 4 or 5 years, his reputation is good in every respect.

The defence then offered, to give a certificate from alderman Davis, Montgomery County, setting forth that Charles Corman was, and has acknowledged him self to be the father of a bastard child.

Monday, January 14th, 1839.

Court convened at 10 o'clock, A. M.

Thomas Nixon, sworn.—I served this subpoena on Emma Evans, yesterday afternoon; she said she could not come for want of clothes, she lives in Hickorytown.

John Sowers, sworn.—I am a brother of Isaac Sowers, I reside at present where he does, at Manayunk, I have seen him since Saturday, he has not spoken to me on the subject of this case. On Wednesday, 17th Oct. I came to town with my brother Isaac, don't recollect what time, it was about half past 10, or half past 11, when we left Manayunk, I had been at my mother's 4 weeks and 2 days before that, I was not there when Eliza left, I came there 4 weeks after she left, I was present at a conversation after Eliza's death, between Mr. Nixon and my brother Isaac, on a Wednesday morning at the Manayunk car-office; he asked my brother Isaac if he was going to Philadelphia, he said yes, he asked if he was going to get a certificate, he said he was, he said he had been taking some medicine on Tuesday and Tuesday night, and could not go along with Isaac, he said he was going in a few days and would get one himself, and that a person felt very unwell after taking medicine, then said he must go up to his mill, didn't say what for, I'm certain of that, didn't hear him say the millwrights were there, I was about 6 or 7 feet from them, and could hear what passed. We arrived about 12 o'clock in the city, and went on down to Dr. Chauncey's house, when we came in the Dr. wasn't there, his wife came in, no one else that I recollect, I, my brother, my sister Susan who came down in the stage and whom we met, I think in 9th street, and Mr. Chauncey's wife were in the room. Before Dr. Chauncey came in nothing occurred, only Mrs. Chauncey said it was a shocking affair. In about half an hour he came in, after he came in he told my brother he'd been down at Eliza's boarding house to see about the clothes, and the woman told him they were not dry, and at the washerwoman's, he then said to Isaac, you've lost your young and beautiful sister, it's a hard stroke on you, what makes it appear more haader is, that your sister died among strangers and you didn't know of it, he said he done all in his power to save her, though it seemed he couldn't save all whom God called upon, and she was in heaven to meet him, he didn't weep that I saw. Isaac asked if he hadn't other physicians called in, he said one, Dr. Armstrong; he said it was a common thing in such cases, Isaac asked him where he lived, he said down town, Isaac asked where abouts, and he said he'd take him

there, I saw a certificate in the room while Chauncey was there, we then went out and went down, we just went to Dr. Armstrong's, he said may be the Dr. was at the convention, and we went there, and then went down to Dr. Armstrong's, going down Chauncey said he made the charges as light as possible, he said Eliza had had \$15 in notes, and \$2 in silver; he told Isaac he sent \$15 in notes with Nixon, my brother said he only got \$10, and would look into this, Chauncey said it ought to be looked into, that's all I heard going to Armstrong's. I remember nothing else that I heard, I was behind Chauncey and my brother, sometimes I was a piece behind. We were about 35 minutes going down, when we got there Armstrong was taking dinner, a young lady came out of the room and Chauncey asked her where Armstrong was, she said eating dinner, he came out and Chauncey told him to finish his dinner, he came out again after staying 10 minutes to dinner; nothing had occurred before that, and when he came out, Doctor Chauncey said these are Eliza's brothers, Doctor Chauncey said we had come down and my brother was going to have this matter fully investigated; then Isaac asked him if Eliza was pregnant, Armstrong said he never suspected such a thing; my brother asked if he was willing to be sworn that she wasn't pregnant, he said he was; Armstrong said he never saw a steambox used about my sister; my brother and Armstrong went into another room on the south side, don't know whether he went into the room or entry, the door was not open; there was a stove there; I heard nothing after they came out neither from my brother or the Doctor; the door they went out of was connected with the entry; they were out 5 or 10 minutes; Chauncey was in the room in which I was, nothing passed between us; I have stated all that passed between Armstrong and my brother that I know of; we were there half an hour, perhaps not as long; nothing was said when we were in the entry; we went out of the door in the street. Dr. Armstrong then asked when he was going to have him sworn; we then went up to Dr. Chauncey's house and me and my sister, brother Isaac and Chauncey went down to Eliza's boarding house, I heard no conversation on the road; when we got there, Chauncey and Isaac got there before I and Susan did, they waited at the door for us; Chauncey said these are Eliza's brother and sisters; the lady asked Chauncey how Eliza was, he said she was dead, she says; you don't say so: says she Dr. you didn't tell me any thing of it; Isaac told Chauncey it seemed very strange that he had been down there but one hour or so before and had not told her anything of it; Chauncey said he didn't see her and only saw the little boy; Mrs. Kinsley said I was not at home; then my sister asked Mrs. Kinsley how Eliza went away from there; I heard Mrs. Kinsley tell Susan that she could tell her something but didn't like too being as we were there, Chauncey told her to tell it if she knew anything, she said when Eliza went off the chamber it looked as if she had the piles, we were all around, I heard it at any rate; I remember nothing else, there were no high words between Chauncey and Isaac that I heard; Mrs. Kinsley said when Eliza went away she couldn't tell how she walked out side the door with Chauncey; don't recollect hearing my brother say at Mrs. Kinsley's that he'd have my sister disinherited; I never read the certificate, never heard it read; I left my mother's house about two weeks after returning home; I now live at Lawrenceville, Chester county, this is about 16 or 18 miles from Norristown; my grandmother lives about 6 miles above the Trap in I think Montgomery county, about 2 miles the other side from Lawrenceville.

Cross-examined.—I now work in Lawrenceville and worked there at my sister's death, I had been home 4 weeks previous to her death, and had staid home one week.

Court convened at 3 o'clock, P. M.

Dr. Jonathan Clark, sworn.—[Dr. Clark's testimony went to confirm that of Dr. Egbert's already given.]

Dr. A. C. Draper, sworn.—Examined in regard to the use of the male and female catheter—no facts bearing on this case were elicited.

Attorney General Reed opened on the part of the Commonwealth; he stated briefly what part of the evidence which had been adduced by the defence he intended to rebut. He then called the following witnesses.

James Wiley, sworn.—I am acquainted with Mrs. Kinsley, never been in her house; a man who worked in company with me lived next door to her and I used to go and see him; I saw her sometimes twice a day and sometimes not at all; I never saw her in liquor but what she was fit to do any business; I can't say I know Margaret Wright.

Cross-examined.—I live between Eleventh and Twelfth, and Christian and Carpenter; about five squares from Mrs. Kinsley's; never was in her house; I never worked in that court, I used to go to see the man who lived next door to her, sometimes at 7 o'clock in the morning to go to work; never remained there any longer than just for him to get ready to go to work; used to stop for him sometimes at noon; I bid good morning and evening to her; had no other conversation with her.

Mrs. Elizabeth Stimpson, sworn.—I reside in Shippen street between Eighth and Ninth in a court, it is the same in which Mrs. Kinsley lives; I know her; I saw a sick lady brought there by Dr. Chauncey; the man who brought her had his arm linked with her and she carried a basket; they walked slowly on; she walked straight.

Cross-examined.—I saw Mrs. Kinsley once may be about two weeks after she'd been in jail; I saw her another time when she got out of jail and she came in the court, about 4 or 5 weeks ago; I've lived in that court about 3 months; I had only been there about one day when the girl was brought there; they walked slow, didn't take particular notice of them; I never saw Mrs. Kinsley drunk; I was often in her house and she was often in mine; I may have lived there a month before Mrs. Kinsley was taken to prison; she didn't come to my house when she escaped out of prison; I'm a widow woman and do sewing and washing; I've heard noise in the neighbourhood but not in Mrs. Kinsley's house.

Mrs. Susan Marshall, sworn.—I am the mother of Mary Sowers; I accompanied Susan Sowers to Philadelphia after Eliza's burial; we went to Dr. Chauncey's house, we first met his daughter at the door; I asked if she was the Dr.'s daughter, she said yes; we went in and sat down a good bit, no one was in the room; but Chauncey's daughter, and afterwards she fetched her mother in; I asked her if this was the house where Eliza Sowers died, she said yes; I then said no more to the daughter, and was talking to the lady of the house; I asked her what was the cause of Eliza's death, Miss Chauncey was near enough to hear what passed between myself and her mother; Mrs. Chauncey said she believed it was an inflammation in the bowels; I asked her how she came there, she said she was brought there on Friday morning at 8 o'clock; I said she told a different tale from

her husband, for he said she came there on Friday at 3 o'clock in the afternoon; I said there were very bad reports of the Dr.'s bad usage to Eliza, and the daughter spoke then, and said how could that be, for all the time when Eliza was dying, she couldn't keep her eyes off the Doctor; I spoke one more word, and said it was no wonder. I think we were there above a quarter of an hour before the Dr. came in; I can't say anything about the Dr., nothing passed between him and me; I saw him. I would take the Dr.'s daughter to be about 14 years of age, no other young lady but this one about. I don't know how many daughters Chauncey has, didn't hear her name mentioned; I can't recollect whether Susan said anything before the Dr. came in; heard nothing said to Susan; I conducted all the conversation before the Dr. came in; while I was talking, Susan and the daughter were listening; I've never lived in Sowers' family, have spoken to some of them since yesterday; I knew before I came here that Miss Chauncey had been examined, the master man in the family told me about it; I hardly know what I was brought to town for; Isaac subpoenaed me; I was brought to Sowers' last night from home to be brought here as a witness. Mr. Kelly is not in town.

Susan Sowers re-examined.—On the morning my sister Eliza left home I saw her dress herself; she changed all her clothing, she wore no napkin around her person.

Cross examined.—I was in the room on that day, not all day; I was at the mill that day, I went about 7 o'clock in the morning, and about 2 in the afternoon; Eliza got up about a quarter of an hour before me; I left my bed about ten minutes before I went to the mill; Eliza was in the back yard making fire when I went; it was dinner time when she changed herself, about 20 minutes after 1 o'clock; I think I left her up stairs dressing; our nooning at the mill is from 1 to 2 o'clock, the dinner was cooked on the furnace that day, I went to the baker's to bring the bread and pies back; Eliza then was in the house, she went to dress as soon as she eat her dinner; I went up after Eliza after dinner, she was then undressing herself; I staid in the room about ten minutes, I laced her jacket; I think I left her up stairs dressing; the jacket was inside of the petticoat body. I slept with my sister the night before going away, and done so the previous week, and had observed nothing peculiar on her clothes.

The Attorney General here proposed to be examined himself, in relation to the testimony of Mrs. Hubbard.

It was objected to by the defence.

The Court overruled the objection.

Attorney General Reed sworn.—I heard the statement of Elizabeth Hubbard in this room, that she had communicated to me the fact of Eliza Sowers telling her that she had taken the oil of tansy and pennyroyal, and that she (Mrs. H.) had said to her that it was enough to kill the child, and that I had directed her not to tell those facts; that statement is utterly false. Mrs. Hubbard told me in the Mayor's Office I think, something about her saying she took tansy and pennyroyal, and told me other things connected with this cause which have not been given in evidence here, and which not being in evidence, I do not think it right now to mention; and my instruction was to her as it has been to every witness in this cause, to state all they knew, to disguise withhold nothing. I di-

rected her to withhold nothing, and to state the truth.

Cross examined.—I first saw Mrs. H. in the Police Office under the Mayor's Office; can't say what hour and how long before her examination; I saw her as soon as she was arrested; when I first went down Mr. M'Lane was present, and I desired him to withdraw; I don't recollect mentioning to her to tell that fact; I didn't adduce this fact by any question put to her when examined before the Recorder.

The Commonwealth here closed.

Dr. Draper recalled by the defence.—I think Dr. Chauncey is a daughter about 14 years of age; I think one who is 15 or 16 years of age is in Washington; she left home since her father's arrest; here is another about 12 or 13 years of age; I presume the one who was examined here, is about 18 or 19 years of age.

After the evidence was closed on both sides, Mr. CLARKSON, opened the case on the part of the commonwealth; He stated that the jury had heard all the evidences in the case and that it was his duty to arrange it in such a manner as would assist them in their enquiry whether the charges in the indictment were true; He continued that some of witnesses on the part of the commonwealth had discribed scenes of shame and sorrow of cruelty and suffering as were seldom read of in the annals of human wickedness, fearful as they were; that these descriptions were either truths or fictions and that they (the jury) were the only earthly tribunal to decide whether they were true or fictitious. That if they were fictitious THREE fellow-citizens had been wickedly accused of crime the guilt of which would effect their ruin in this world, and that the jury would not restore them to their families with more joy, than he (Mr. Clarkson) would hail their deliverance. But if they were truths, a beautiful young and confiding woman, the child of a widowed and respectable mother, the member of a decent, virtuous tho' humble family had been basely seduced and barbarously murdered and that it was their duty to decide on the evidence whether the defendants were guilty or not.

Mr. CLARKSON, then ran through the whole of the evidence and commented upon it with much ability, pointing out the smallest circumstances in which the witnesses adduced on the part of the commonwealth had corroborated each other; he spoke 8 hours.

After Mr. Clarkson, had concluded his remarks, Mr. Goodman, opened on the part of the defence in an able and lucid speech, his remarks were mainly adapted to the evidence which he examined and commented upon in its minutest particulars.

He was succeeded by Isaac Norris Esquire, who thanked the jury for their kind and unwearied attention that they had bestowed upon this case and for the interest they had evinced in it during a protracted and arduous session of the court; He continued that in any ordinary case he was sure he might undertake and would obtain a fair and patient attention at their hands even if it amounted to tediousness, but when not only the lives of the parties were at stake, but their characters, which to guiltless men are dearer than their lives, had been assailed and when it was plain that this prosecution had been pressed by the learned Attorney General with an unexampled zeal, he was sure that the jury would rather encourage than repress the zeal of the advocate in defending his clients; Mr. Norris then took up the evidence and pointed out different circumstances in which several witnesses on the part of the commonwealth had contradicted each other and made some severe comments upon it.

DAVID PAUL BROWN, Esqr., closed on the part of the defence in his usual able and eloquent manner, strengthening the arguments and grounds taken by the counsels who had spoken on the part of the defence and assailing the positions which had been taken by counsels for the commonwealth.

Attorney General REED, closed the case, his remarks as usual were chaste, quiet but convincing; After he had concluded Judge King charged the jury as to the law involved in the case and told them that they were the judges of the law and the facts. The jury retired on Saturday noon (January 19th) and on Monday noon (January 21st) returned the following verdict. That Henry Chauncey is guilty of murder in the second degree, but that William Nixon and William Armstrong, are not guilty.

